



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

HARVARD LAW LIBRARY



3 2044 053 399 077

.70

Bd. Jan. 1905.



HARVARD LAW LIBRARY.

Received *Apr. 2, 1900.*

The Honorable,

Henry Edward Sharpe.

—

Penal Servitude Act 27. c 18 Vic. 47 [1862]
Law of Evidence. To declare 40. Geo 3. c 37 1806

Dec/1

E. Libri - H. E. Sharpe
1864

10a

L A W S

c

OF

S T. V I N C E N T.



BY AUTHORITY.

6

4.

LONDON:

EDWARD STANFORD, 6, CHARING CROSS, W.C.

1864.

5air
132
864

Rec. Apr. 2, 1900.

TO
HIS EXCELLENCY ANTHONY MUSGRAVE, ESQUIRE.

LIEUTENANT-GOVERNOR OF THE ISLAND OF ST. VINCENT
AND ITS DEPENDENCIES.

SIR,

WE, the undersigned, two of the Commissioners appointed to compile the Laws in force in this Island and the Grenadines, desire to accompany the Compilation with the following remarks.

At the commencement of our labours we encountered many difficulties. Firstly, from a great number of the Acts of the Legislature not being in print. Secondly, from the imperfect state in which we found those that were in print: Permanent Acts were mixed up with Temporary Acts, and *vice versâ*; with little or no order in their dates. Thirdly, the difficulty we found in determining what Acts were to be treated as obsolete; due regard being observed to the danger of hastily placing any of them in that category. Having given our best attention to the classification, we trust that no Laws treated by us as obsolete (and therefore unprinted in this Collection) will hereafter become the subject of controversy.

We have found only two Collections of Laws of an official or semi-official stamp. One, in print, dated 1811, and professing and purporting to be the Laws of the Island and its Dependencies from the first establishment of a Legislature to the end of the year 1809; the other, a collection in manuscript of certain Public Records incorporated in the preceding. The latter is, however, the only Collection entitled to be deemed a Legal Record of all Acts copied therein, no authenticity having been given by Legislative Act to the published Collection of 1811.

Many Acts are not to be found. None between the years 1772 and 1784; during the greater part of which time this Island and its Dependencies were under the Government of Grenada and in the occupation of the French.

In 1784, the work of Legislation appears to have been resumed for a few years, to be again interrupted by an insurrectionary movement of the Charaibs, which lasted for several years; and it was resumed again at intervals, as from 1796 to 1799, to 1801; again, from 1802 to 1804, to 1808; from 1810 to 1818, to 1820; from 1820 to 1825, to 1827, to 1829; from 1830 to 1833, to 1835, to 1837; from which latter year only we find the Laws to progress in regular series from year to year.

In the course of our labours we have diligently inquired into the titles of the several Acts of the Legislature from the year 1767 to the present time.

We do not wish to assume any peculiar merit in the discharge of the duties we have performed. This Code may still be imperfect; and if public expectation be disappointed that more of the Laws on kindred subjects have not been consolidated and amended, the disappointment is to be attributed to the difficulty of getting Acts passed through the Legislature since the date of our commission.

The Code may, nevertheless (as we hope), form the groundwork of a better; and we would respectfully suggest to your Excellency the expediency of numbering, for the future, the Laws as they are assented to, so that a ready reference may be made to each Law by its number; and, in order to ensure accuracy in the numbering, we recommend your Excellency, after the close of every Legislative Session, to appoint a Syndicate to collect and publish the permanent Acts of the past Session as soon as their confirmation is notified by the Colonial Office.

We have the honour to be, Sir,

Your Excellency's most obedient Servants,

(Signed)

H. E. SHARPE,

J. CLEMENT CHOPPIN,

*Commissioners for the Compilation of the
Laws of St. Vincent.*

TABLE OF ACTS.

	PAGE
1. An Act for appropriating a piece of Land on the Public Quay in Princes Town, for a Parsonage House for the Parish of St. Patrick (28th March 1772)	1
2. An Act against Covenous and Fraudulent Conveyances, and for establishing a Public Registry in the Island of St. Vincent (28th March 1772)	1
3. An Act for extending the operation of all the Laws now in force in this Island to Bequia, and such of the Grenadines as lie to the Northward of Carriacou (25th June 1784)	7
4. An Act for regulating the proceedings at Elections, describing who shall be deemed Freeholders capable of electing and being elected Representatives; and for erecting into a Parish the Lands between the Rivers Iambou and Byera, and to enable the Inhabitants thereof, and of the Islands of Bequia and such other of the Grenadines as lie to the Northward of Carriacou in America, to elect Representatives to serve in the General Assembly of this Government (7th July 1786)	8
5. An Act to appropriate, for the benefit of the neighbourhood, the Hill called the King's Hill, in the Parish of St. George, and for enclosing the same, and preserving the timber and other trees growing thereon, in order to attract rain (2nd April 1791)	8
6. An Act to repeal an Act, entitled "An Act to settle the rate of Interest within this Island, dated the third day of July, one thousand seven hundred and seventy," and to settle the rate of Interest at 6 per cent. (20th March 1793)	10
7. An Act for appointing and empowering Commissioners to contract and agree with workmen and other persons for the building of a Common Gaol in the Town of Kingstown (13th July 1799)	11
8. An Act for appointing Commissioners and to empower them to contract and agree with workmen and other persons for the building a Court House and Offices in the Town of Kingstown (7th May 1801)	12
9. An Act to enable the Governor, or the Governor for the time being, of these Islands, to appoint a Registrar and Secretary and Clerk of the Crown, Peace, and Council, to conduct the Public business of those Offices in case of the absence of the principal Registrar, or Secretary, or Clerk of the Crown, Peace, and Council, on the death or absence of the Acting Deputy or Deputies, (15th January 1802)	12
10. An Act to repeal an Act, entitled "An Act for vesting a certain tract of Land in "Kingstown Valley, called the Barrack Ground, In Trust to the President of His Majesty's Council, Speaker of the Assembly, and Chief Justice of the Court of "King's Bench and Common Pleas, for the time being, and appropriating the same "for the purpose of building thereon a Government House, and other necessary "buildings, for the Governor or Commander-in-Chief for the time being," and for purchasing a certain House with the Lands adjoining therein described, and vesting the same in trust to certain persons therein named, for the residence of the Governor or Person Commanding-in-Chief in the Island for the time being (15th December 1802)	13
11. An Act for annexing to Charlotte and St. David's Parishes the Lands formerly occupied by the Charaibs, and extending the operation of the Laws over that quarter of the Island (9th June 1804)	14
12. An Act to enable Daniel Parr Bernard, of the Town of Kingstown, Merchant, to build and erect a Wharf in Kingstown Bay, for the accommodation of all persons who may have occasion to ship or land Goods, Wares, or Merchandise, in the said bay (6th August 1808)	15

	PAGE
13. An Act to vest a certain Piece or Parcel of Land, situate, lying, and being in the Town of Kingstown, in the Island of St. Vincent, in the Townwards of the said Town, and to authorize and empower them to contract and agree with James Steele of the said Island, Esquire, for the Sale and Exchange of the same for a certain other Piece or Parcel of Land also situate, lying, and being in the said Town of Kingstown, and belonging to the said James Steele, and to execute and accept on the part of the Public the necessary conveyances and assurances for the said several purposes (7th August 1809)	1
14. An Act to provide for the care of the Public Register of Marriages, Baptisms, and Burials, and to make the same a Public Record, and to settle the Fees payable to the Rector of St. George and St. Andrew (26th October 1810)	17
15. An Act to alter and amend an Act, entitled "An Act for repealing an Act, entitled "An Act for building Churches in different districts of this Island and in the "Island of Bequia, and for appointing certain persons therein described to carry "the same into effect and for building Churches in the several Parishes of the "Island of St. Vincent and in Bequia, appointing Commissioners to carry the same "into effect, and for sale of certain Public Lands therein described," and to repeal so much of an Act made in the seventh year of his present Majesty's Reign, entitled "An Act for regulating the Vestries in this Island," empowering them to raise Taxes within their respective Parishes, and directing the application of the same as provides for the maintenance of the Ministers and erecting Churches and Chapels in the several Parishes (11th May 1818)	18
16. An Act to confirm a certain Contract or Agreement made and entered into by and between the Reverend John Guilding, Rector of the Parish of St. George, in the Island of St. Vincent, with the licence and consent of the Governor and Ordinary of the said Island, and the Commissioners appointed by an Act of the Legislature for building Churches, for the purchase of the Glebe Land in the Town of Kingstown for the purpose of enlarging and extending the Churchyard in the said Parish, and for vesting the said Land in certain persons therein named for the purpose aforesaid, and to settle an Annuity or annual sum of Four Hundred Pounds currency upon the said John Guilding and the Rector of the said Parish for the time being, in lieu of the said Glebe and of a Parsonage House (11th May 1818)	19
17. An Act for transcribing and copying the Grants and Diagrams in the Patent Office, and to make the same a Public Record (23rd March 1820)	23
18. An Act for establishing Spiritual and Ecclesiastical Jurisdiction over the Clergy of this Island and its Dependencies (16th December 1825)	23
19. An Act to amend an Act, entitled "An Act for enlarging the Town of Kingstown, "&c.," and for the Sale of certain lots of Land within the said Town, and for the appropriation of the purchase-money (6th June 1827)	25
20. An Act for annexing to Charlotte Parish that part of Land lying between the North side of Owia River and Gagarawaw Bay (5th March 1829)	26
21. An Act for empowering and appointing Commissioners to contract and agree for erecting a Parsonage house in Charlotte Parish (12th January 1830)	26
22. An Act for the relief of His Majesty's Roman Catholic Subjects in St. Vincent and its Dependencies (4th June 1830)	27
23. An Act to extend parts of certain Acts of the Imperial Parliament to these Islands for the Administration of Criminal Justice (9th December 1830)	27
24. An Act for the purchase of certain Premises in Kingstown and appropriating the same as a Parsonage House for the Rectory of the Parishes of St. George and St. Andrew, and the Town of Kingstown (24th June 1833)	42
25. An Act to provide more effectually for the recovery of Assessments for Public Taxes (26th January 1835)	42
26. An Act to legalize the Police Settlement of the Windward Division as a Place of Confinement and Punishment (9th September 1835)	43
27. An Act to provide for the operation within the Island of St. Vincent and its Dependencies of a Statute of the Imperial Parliament for the better administration of Justice in certain of His Majesty's West India Colonies, and of the Charters or Letters Patent to be made or issued in pursuance thereof (20th January 1837)	44
28. An Act to appropriate a part of the Lands called the King's Hill for the purpose of erecting thereon a School House (19th July 1838)	45

Table of Acts.

ix

	PAGE
29. An Act to declare the Police Settlements of the Windward and Leeward Divisions of this Island places of general Confinement and Punishment (31st July 1838)	46
30. An Act for regulating the rights of Masters and Servants, and for the better enforcement of Contracts (27th March 1839)	47
31. An Act to facilitate the Recovery of Possession of Tenements (3rd August 1839) [Confirmed 10th December 1840]	51
32. An Act to extend an Act of the Imperial Parliament, made in the Fourth year of the Reign of His late Majesty King George the Fourth, intituled "An Act for enabling Courts to abstain from pronouncing sentence of death in certain Capital "Felonies" into the Island of St. Vincent and its Dependencies (11th October 1839) [Confirmed 11th September 1840]	54
33. An Act for the Abolition of Currency and the substitution of Sterling Money in these Islands (16th December 1839) [Confirmed 5th March 1840]	54
34. An Act for the Election of Townwardens and for the regulation of the Town of Kingstown (8th April 1840) [Confirmed 10th December 1840]	55
35. An Act for granting a Salary to a Curate for Charlotte Pariah (8th June 1840) [Confirmed 10th December 1840]	62
36. An Act for granting a Salary to a Curate for the Parishes of St. Patrick and St. David (8th June 1840) [Confirmed 10th December 1840]	62
37. An Act to extend certain parts of several Acts of the Imperial Parliament for facilitating the Payment of Debts out of Real Estate, and the disposal of the undisposed Residues of Testators, to these Islands (8th August 1840) [Confirmed 25th February 1841]	62
38. An Act for providing a Salary for the Rector of Bequia and the Grenadines (17th November 1840) [Confirmed 4th June 1841]	65
39. An Act to promote and encourage Steam Navigation between this Island and Great Britain, for Conveyance of Mails and Passengers (17th of November 1840) [Confirmed 3rd September 1841]	65
40. An Act to amend the Laws relating to Marriage in this Island and its Dependencies (3rd March 1841)	66
41. An Act to appropriate certain Lots of Land in Barronallie for the building thereon of a Church, and vesting the same in the Rector of the Parishes of St. Patrick and St. David (27th July 1841) [Confirmed 11th December 1841]	73
42. An Act to authorize the Enrolment in the Secretary's Office of this Island of authenticated Copies of the Charter and Supplemental Charter of the Colonial Bank, and to render the same or certified Copies thereof legal Evidence (22nd February 1842)	73
43. An Act to provide a Salary for the Rev. Thomas Alexander Browne, Rector of Charlotte Pariah in this Island, during his Incumbency (23rd June 1842)	74
44. An Act to prevent the unauthorized occupation of Crown or other Lands (29th October 1842)	75
45. An Act to authorize the Townwardens of the Town of Kingstown for the time being to Lease certain vacant Lands within and forming part of the said Town on building Leases (4th April 1843)	77
46. An Act to compel persons engaged in Huckstering to take out Licences (4th April 1843)	78
47. An Act for regulating the Police of the Town of Calliaqua or Tyrrel's Bay in the said Island, and for rendering the same healthy and commodious (17th August 1843)	78
48. An Act to facilitate the Crown and Colony Surveyors in the discharge of their Duties (25th October 1843)	82
49. An Act to establish and encourage Friendly Societies (13th December 1843) [Confirmed 23rd May 1844]	82
50. An Act for vesting all Estates and Property in the Island of St. Vincent and its Dependencies occupied for the Ordnance Service in the Principal Officers of Her Majesty's Ordnance, and for granting certain powers to the said Principal Officers (16th January 1844) [Confirmed 8th November 1844]	93
51. An Act for granting further powers to the Townwardens of the Town of Calliaqua or Tyrrel's Bay (14th February 1844) [Confirmed 19th June 1844]	97

	PAGE
52. An Act to repeal the several Acts relating to the Office of Treasurer, and to regulate his duties (14th February 1844)	98
53. An Act to alter an Act, entitled "An Act to amend so much of 'The Court Acts' " as regulates the Sureties entered into by the Provost-Marshal-General, and to reduce the same (14th February 1844)	100
54. An Act to provide the Colonial Hospital with Water (2nd March 1844) [Confirmed 10th July 1844]	101
55. An Act for the appointment of Townwardens in the Towns of Georgetown, Layou, Barrouallie, and Chateaubellair, with powers enabling them to keep the same in a proper state and condition, and to repeal a certain other Act for that purpose (6th March 1844)	103
56. An Act for granting a Salary to Her Majesty's Attorney-General of the Island of St. Vincent and its Dependencies (13th March 1844) [Confirmed 19th June 1844]	108
57. An Act to alter and amend an Act, entitled "An Act to prevent the unauthorized " occupation of Crown or other Lands" (11th April 1844)	109
58. An Act to reduce Fines and Penalties imposed in Current Money into Sterling Money (11th April 1844) [Confirmed 3rd September 1844]	110
59. An Act to alter and amend an Act, entitled "An Act to extend parts of certain " Acts of the Imperial Parliament to these Islands, for the Administration of " Criminal Justice" (11th April 1844)	110
60. An Act to restrain the cutting down Trees and the burning and unlicensed dealing in Charcoal within this Government (6th July 1844)	112
61. An Act for preventing Tumults and Riotous Assemblies, and for the more speedy and effectual punishing the Rioters, and to repeal an Act heretofore passed for the like purpose (2nd October 1844)	121
62. An Act for enlarging the Market-house and improving the Market-place in the Town of Kingstown (2nd October 1844)	123
63. An Act for regulating the proceedings at Elections of Members to serve in the General Assembly of the Island and Government of St. Vincent and its Dependencies, for determining the Qualifications of Members and Electors, and for repealing the Act of the said Island therein mentioned (13th December 1844)	128
64. An Act to make provision by way of House-rent for the several Curates of the respective Parishes of this Island, and to grant an Annual Sum in aid of a Stipend for a Curate for St. Andrew's Parish (15th May 1845)	137
65. An Act to alter and amend an Act, entitled "An Act to repeal the several Acts relating to the Office of Treasurer, and to regulate his Duties" (13th August 1845)	138
66. An Act to grant a Sum of Money in Aid of the School for the Education of the Poor (13th August 1845)	139
67. An Act to authorize the Officer administering the Government of these Islands for the time being to Assent to Bills passed by the Council and Assembly after the close of the Session in which they have been passed (15th October 1845)	140
68. An Act to alter the Sureties to be given by the Secretary and Registrar of Deeds and Registrar of the Court of Chancery (15th October 1845)	140
69. An Act to purchase Land in Bequia as Glebe (12th February 1846)	142
70. An Act to provide a Salary for the Chief Justice of the Island of St. Vincent and its Dependencies (5th August 1846)	142
71. An Act to repeal certain Duties of Customs laid and imposed by an Act of the Imperial Parliament, intituled "An Act to regulate the Trade of the British " Possessions abroad," so far as the Island of St. Vincent is concerned (27th February 1847)	142
72. An Act to grant a further Sum of Money for completing the Market-house and improving the Market-place in the Town of Kingstown (31st March 1847)	143
73. An Act further to alter and amend an Act, intituled "An Act to extend parts of " certain Acts of the Imperial Parliament to these Islands for the administering of " Criminal Justice" (20th December 1847)	144
74. An Act to provide that all Moneys to be paid for the general purposes of the Government of the Island of St. Vincent and its Dependencies shall be paid by virtue of the Warrant of the Officer administering the said Government, and not otherwise (4th February 1847)	149

Table of Acts.

xi

PAGE

75. An Act to repeal an Act, intituled "An Act to settle and fix particular periods or "Quarterly Sessions for the Meeting of the Legislative Body of this Government," and to make other provisions in lieu thereof (12th June 1848) 149
76. An Act for laying a Tonnage Duty on Vessels arriving within the Government of the Island of St. Vincent, and for repealing certain Acts therein mentioned (12th June 1848) 151
77. An Act to facilitate the apprehension of certain Offenders escaping to the Colony of the Island of St. Vincent and its Dependencies from any place within the Territory or Dominions of the Republic of Venezuela, in order that such Offenders may be delivered up to Justice (12th March 1850) 151
78. An Act to repeal the second clause of an Act, entitled "An Act for Regulating the "Proceedings at Elections of Members to serve in the General Assembly of the "Island and Government of St. Vincent and its Dependencies, for determining the "Qualification of Members and Electors, and for Repealing the Act of the said "Island therein mentioned," and to make other Provisions in lieu thereof (12th March 1850) 153
79. An Act for the Removal of Defects in the Administration of Criminal Justice (13th August 1850) 153
80. An Act to alter and amend an Act, intituled "An Act against Covenous and Fraudulent Conveyances, and for establishing a Public Registry in the Island of St. "Vincent" (9th September 1850) 155
81. A Bill for the more effectual Administration of Justice and Service of Process in the Court of Chancery (26th September 1850) 157
82. An Act for the Amendment of the Law relating to Dower (3rd December 1850) 160
83. An Act for the Amendment of the Laws with respect to Wills (31st January 1851) 161
84. An Act for the Limitation of Actions and Suits relating to Real Property, and for simplifying the Remedies for trying the Rights thereto (31st January 1851) 165
85. An Act to simplify the Transfer of Property (11th February 1851) 171
86. An Act to Regulate Vestries in the Island of St. Vincent and its Dependencies, to repeal a certain Act of the Legislature, entitled "An Act for Regulating the "Vestries in this Island, empowering them to raise Taxes within their respective "Parishes, and directing the application of the same, and to fix certain Fees;" and part of an Act to provide for the care of the Public Register of Marriages, Baptisms, and Burials, and to make the same a Public Record, and to settle the Fees payable to the Rector of St. George and St. Andrew (1st August 1851) 173
87. An Act further to alter and amend an Act for regulating the proceedings at Elections of Members to serve in the General Assembly of the Island and Government of St. Vincent and its Dependencies, for determining the Qualifications of Members and Electors, and for repealing the Act of the said Island therein mentioned (29th April 1852) 173
88. An Act to authorize the importation into the Government of the Island of St. Vincent and its Dependencies of Books, being foreign reprints of Books first composed or written, or printed or reprinted or published, in the United Kingdom of Great Britain and Ireland, and in which there may be any Copyright (29th April 1852) 179
89. An Act for the more easy and speedy Recovery of Small Debts (13th May 1852) 182
90. An Act to grant an Annual sum of Money for the Encouragement of Agriculture (19th May 1852) 189
91. An Act to enlarge the Town of Georgetown (10th September 1853) 189
92. An Act to amend and extend the Provisions of an Act, intituled "An Act to "make provision, by way of House-rent, for the several Curates of the respective Parishes of this Island, and to grant an Annual Sum in aid of a stipend "for a Curate for St. Andrew's Parish, and the Assistant Curate for Charlotte "Parish" (28th October 1853) 189
93. An Act to impose and provide for the collection of a Duty on all Rum and other Spirituous Liquors made and consumed or sold for consumption within the Government of the Island of St. Vincent and its Dependencies (24th December 1853) 190
94. An Act to grant Salaries to Police Magistrates, and the Expenditure necessary for the performance of their Duties (24th December 1863) 205

	PAGE
95. An Act for shortening the Language used in Acts of the Legislature of this Island, and to remove doubts in the construction of certain Acts (24th December 1853)	206
96. An Act for the Appointment of Police Magistrates, and for the permanent establishment of a Police Force (24th December 1853)	207
97. An Act to protect Justices of the Peace, and persons acting by their Authority, from Vexatious Actions for acts done by them respectively in the execution of the duties of their Office (24th December 1853)	225
98. An Act for establishing and regulating a Court of Grand Sessions of the Peace (20th January 1854)	228
99. An Act to amend the Law of Evidence (28th January, 1854)	242
100. An Act to provide for the performance of the duties of the Clergy during temporary absence (28th January 1854)	245
101. An Act to point out the mode of Procedure before Justices of the Peace, and to facilitate the performance of their duties with respect to Summary Convictions and Orders (15th May 1854)	246
102. An Act to Repeal the laws relating to Quarantine, and to make other provisions in lieu thereof (7th July 1854)	267
103. An Act to amend an Act, entitled "An Act to repeal the second clause of an Act, entitled 'An Act for regulating the proceedings at Elections of Members 'to serve in the General Assembly of the Island and Government of St. Vincent 'and its Dependencies, for determining the Qualification of Members and 'Electors, and for repealing the Act of the said Island therein mentioned, and 'to make other provisions in lieu thereof'" (7th August 1854)	279
104. An Act to classify and consolidate many of those Petty Misdemeanours and other Petty Offences and Matters of Complaint, in which Justices of the Peace exercise and may in future exercise Summary Jurisdiction (22nd August 1854)	280
105. An Act to authorize the Officers administering the Government of the Island of St. Vincent and its Dependencies, for the time being, to select any one of the Members of the General Assembly of the said Government to be an Organ of Communication between him and that Branch of the Legislature of the said Government (7th September 1854)	303
106. An Act to amend "The Magistrates' Salary Act 1853" (9th December 1854)	304
107. An Act to regulate the Sale of Wines and Spirituous Liquors within the Government of the Island of St. Vincent and its Dependencies (9th February 1855)	305
108. An Act to vest the Ordnance Lands and Buildings in the Island of St. Vincent and its Dependencies in Commissioners, for the purposes of the Colonial Government (26th March, 1855)	320
109. An Act to appropriate and to authorize the letting on Lease of certain Public Lands and Buildings vested in Commissioners for the use of the Public and Government of St. Vincent (7th August 1855)	321
110. An Act for better enforcing Church Discipline (9th August 1855)	323
111. An Act for vesting a certain piece of Land at the North-west end of the Court House, in the Town of Kingstown, in the Townwardens of the Town of Kingstown, and for incorporating the same, together with certain parts of the Lands formerly belonging to Kingstown Park Estate immediately adjoining the said Town and now built on, within the limits of the said Town (9th August 1855)	332
112. An Act to enlarge the Town of Barrouallie in the Parish of St. Patrick (9th August 1855)	334
113. An Act for further improving the Administration of Criminal Justice, and the better prevention of Offences, and for abolishing the punishment of death in certain cases, and substituting a lesser punishment in lieu thereof (29th August 1855)	335
114. An Act to separate the District and Chapelry of St. Paul from the Rectory of the United Parishes of St. George and St. Andrew, and to constitute and erect the same into a Perpetual and independent Island Curacy, and to make provision for the Curate thereof (31st August 1855)	343
115. An Act to grant a Stipend to the Rev. Horatio William Laborde, as Rector of the United Parishes of St. George and St. Andrew, and as Chaplain of the Gaol in Kingstown (31st August 1855)	345

	PAGE
116. An Act for the Amendment of an Act passed by the Legislature of St. Vincent, intituled "An Act for the amendment of the Laws with respect to Wills" (11th October 1855)	346
117. An Act to authorize the appointment of an Acting Chief Justice in the event of the absence of the Chief Justice of the Government of St. Vincent (11th April 1856)	347
118. An Act to authorize the appointment of a Board of Prison Directors, to make provision for the maintenance of Prisoners, and to make their labour available for the Public Service (27th May 1856)	348
119. An Act to make provision for carrying into execution in the Island of St. Vincent and its Dependencies "The West Indian Incumbered Estates Act, 1854" (27th May 1856)	353
120. An Act to amend "The Wine Act, 1855" (4th August, 1856)	355
121. An Act to amend an Act, intituled "An Act for the more easy and speedy recovery " of Small Debts" (6th November 1856)	356
122. An Act to make provision for the future Rector of the United Parishes of St. George and St. Andrew, and his successors Rectors of the said Parishes (6th November 1856)	359
123. An Act to repeal an Act, intituled "An Act for providing Salaries for the Keeper " and Officers of the Gaol in Kingstown," and to make other provisions in lieu thereof (6th November 1856)	360
124. An Act to limit the duration of an Act, intituled "An Act for granting a Salary to "Anthony Hart Hobson, Esq., Provost-Marshal, and to make provision for any "future Provost-Marshal" (6th November 1856)	361
125. An Act to make provision for the future Rectors of the United Parishes of St. Patrick and St. David, and to repeal an Act, entitled "An Act to grant a sum of "money to the Rector of St. Patrick and St. David to defray House-rent" (6th November 1856)	362
126. An Act to provide a Salary for the Colonial Secretary of the Government of St. Vincent, and to grant an Annual sum to him in respect of and in lieu of fees payable by the Public for duties performed in his several capacities of Colonial Secretary, Clerk of the Council, Registrar of Deeds, Secretary of the Supreme Court, and Clerk of the Crown and Peace; and to repeal so much of the Forty-fifth Clause of the Act for establishing a Court of Grand Sessions of the Peace as grants a Salary to the Clerk of the Crown (6th November 1856)	363
127. An Act to repeal an Act, entitled "An Act for providing a Salary for the Rector " of Bequia and the Grenadines," to constitute the Living of the said Island of Bequia and the Grenadines a Perpetual Curacy, and to provide for the Curate thereof (6th November 1856)	364
128. An Act to make provision for the future Rectors of Charlotte Parish (6th November 1856)	365
129. An Act for granting a Stipend to the Reverend Horatio Nelson Huggins as Perpetual and independent Curate of the District and Chapelry of St. Paul (18th December 1856)	366
130. An Act to lay further Tonnage Dues on all Vessels arriving in this Government (22nd June 1857)	366
131. An Act for establishing Volunteer Infantry Corps in the several Police Districts of this Island and its Dependencies (1st August 1857)	367
132. An Act for the appointment of Constables (1st August 1857)	369
133. An Act for the better advancement of Justice in cases of Summary Convictions (22nd August 1857)	370
134. An Act for appointing the Chief Justice Vice-Chancellor, and for improving the Administration of Justice in the Courts of Chancery and Ordinary (22nd August 1857)	374
135. An Act to authorize the raising of Loans of Money for Immigration purposes, and to secure and provide for the repayment of such Loans (16th October 1857)	376
136. An Act to provide a Salary for the Gaol Surgeon (16th October 1857)	377
137. An Act to continue "The Magistrates' Salary Act, 1853," and "The Amended "Magistrates' Salary Act, 1854" (16th October 1857).	378

	PAGE
133. An Act to repeal the sixth and eighth Clauses of "The Police Act, 1853," and to make other provisions in lieu thereof (16th October 1857)	378
139. An Act to alter the Law of Contracts with regard to Immigrants, and for the encouragement of Immigration, and for the general regulation of Immigrants (16th October 1857)	379
140. An Act to provide for the Education of the People of this Colony (7th December 1857)	395
141. An Act to grant a sum of money for the compilation and printing of the Laws of this Colony (7th December 1857)	396
142. An Act to provide for the establishment and maintenance of a Court of Appeal (24th December 1857)	396
143. An Act to repeal the several Acts relating to the Colonial Hospital, and to make other provisions in lieu thereof (9th March 1858)	401
144. An Act to provide for the vacancies in the Office of Stipendiary Magistrates (10th March 1858)	402
145. An Act to grant an annual sum of money in perpetuity towards the support of Out-door Patients of the Colonial Hospital, in consideration of a sum of money paid into the Colonial Treasury (7th August 1858)	408
146. An Act to authorize the erection of a Public Landing Place in the Bay of Kingstown, to appropriate a sum of money for that purpose, and to appoint Commissioners to carry out the same (7th August 1858)	404
147. An Act to repeal certain Clauses of an Act, entitled "An Act to alter the Law of Contracts with regard to Immigrants, and for the encouragement of Immigration, and for the general regulation of Immigrants," and to make other provision in lieu thereof, and further to amend the said Act (22nd October 1858)	405
148. An Act to consolidate and amend the several Acts relating to Trespasses by Cattle and other stock (29th October 1858)	408
149. An Act to repeal certain portions of "The Wine Act, 1855," and of "An Act to amend 'The Wine Act, 1855,'" and to make other provisions in lieu thereof (3rd December 1858)	413
150. An Act to authorize the appointment of an Executive Council, and Administrative Committee, for the Island of St. Vincent and its Dependencies (9th April 1859)	415
151. An Act to grant a sum of money towards aiding the Fund raised for the erection of a building at King's Hill, to be used as a Place of Worship and a School Room (19th July 1859)	418
152. An Act to amend "The Police Act, 1853," to repeal the amended Police Act, 1855, and to increase the Police Force of the Government of St. Vincent (19th July 1859)	418
153. An Act to repeal "The Police Expenditure Act, 1855," and an Act to alter and amend the same, and to make other provisions in lieu thereof (19th July 1859)	421
154. An Act for laying a duty on Exports (4th August 1859)	422
155. An Act for laying a Tax on Incomes and other objects declared Taxable (4th August 1859)	430
156. An Act to provide for the payment of Musical Instruments for the use of the Band of the Kingstown Volunteer Infantry Corps (23rd November 1859)	441
157. An Act to provide for the monthly payment of the Salaries of Public Officers (23rd November 1859)	442
158. An Act to amend "The Immigration Act 1857" (24th November 1859)	442
159. An Act to amend an Act, intituled "An Act for the Election of Townwardens, "and for the regulation of the Town of Kingstown" (22nd December 1859)	444
160. An Act to repeal an Act, entitled "An Act for keeping in repair the Highways "and Public Roads in the Island of St. Vincent," and to make other provisions in lieu thereof (22nd December 1859)	445
161. An Act to amend "The Kingstown Townwardens Act, 1840," and to make further provision for the Election of Townwardens for the Town of Kingstown for the present year one thousand eight hundred and sixty (13th January 1860)	453

Table of Acts.

XV

PAGE

162. An Act to Consolidate the Law regulating the execution of Deeds by Married Women, and Deeds to operate as Fines and Recoveries (23rd April 1860)	455
163. An Act to alter an Act, intituled "An Act to authorize the erection of a Public Landing Place in the Bay of Kingstown, to appropriate a sum of money for that purpose, and to appoint Commissioners to carry out the same" (23rd April 1860)	457
164. An Act to alter and amend "The Prison Direction Act, 1856" (23rd April 1860)	458
165. An Act to authorize the appointment of a Colonial Postmaster for the Colony of St. Vincent, and to transfer to the Executive Government of the said Colony the control over the Post Office therein heretofore exercised by Her Majesty's Postmaster-General (14th June 1860)	458
166. An Act to consolidate the Laws imposing Duties on Imported Goods (30th July 1860)	463
167. An Act to amend "The Kingstown Townwards Act, 1860" (15th September 1860)	474
168. An Act for consolidating and amending the Laws relative to the administration of Civil Justice (15th October 1860)	476
169. An Act to amend the Law relating to the Action of Ejectment (15th October 1860)	515
170. An Act to amend "The Summary Offence Act, 1854" (3rd November 1860)	528
171. An Act to provide for the payment of persons sworn in as Special Constables when called out, and in the performance of duty as such (14th December 1860)	533
172. An Act to repeal an Act, entitled "An Act to repeal an Act, entitled 'An Act to repeal the Market Acts, and to establish other regulations in lieu thereof, and to make provisions for regulating the Public Market in Kingstown; and an Act, entitled 'An Act to continue an Act entitled 'An Act to repeal an Act entitled 'An Act to repeal the Market Acts, and to establish other Regulations in lieu thereof, and to make provisions for regulating the Public Market in Kingstown, and to prevent abuse in the use of Seines used in fishing in the Colony of St. Vincent'" (31st December 1860)	534
173. An Act for the increase of Fish and the protection of the Fisheries in this Colony (10th January 1861)	539
174. An Act to amend "The Immigration Act, 1857" (15th July 1861)	540
175. An Act to amend "The Amended Summary Offence Act, 1860" (16th October 1861)	541
176. An Act to alter and amend "The Immigration Act, 1857," and "The Amended Immigration Act, 1856" (2nd April 1862)	511
177. An Act to raise a further Duty on Spirits made and consumed in St. Vincent, and to make applicable to such further Duty the provisions of "The Rum Act, 1853" (10th April 1862)	545
178. An Act to extend and make applicable to the Colony of St. Vincent certain enactments and provisions contained in "The Customs Consolidation Act, 1853," of the United Kingdom, and to confer the necessary authority on the Governor to carry the same into effect (23rd April 1862)	546
179. An Act to facilitate Public Officers of the Government of St. Vincent in providing security for the due performance of their Duties (14th May 1862)	547
180. An Act to repeal so much of "The Council and Committee Act, 1859," as gives Salaries to the Members of the Administrative Committee (5th June 1862).	548
181. An Act to continue in operation an Act, intituled "An Act to lay further Tonnage Dues on all Vessels arriving in this Government" (21st June 1862)	549
182. An Act to legalize Fort Charlotte and the premises known as the Ordnance Buildings in Kingstown as Prisons or Places of Confinement for Prisoners charged or convicted of any offence committed during the late Riots (22nd October 1862)	549
183. An Act to appropriate a Sum of Money towards meeting the Expenses attendant on the suppression of the late Seditious Riots (22nd October 1862)	550

	PAGE
184. An Act for the Protection of the persons and properties of Her Majesty's faithful subjects within this Colony, and for the Indemnity of all persons engaged in suppressing the late insurrection (22nd October 1862)	551
185. An Act to authorize the raising a Loan from the Immigration Fund, for the purpose of meeting the more immediate and pressing necessities of this Colony (14th November 1862)	553
186. An Act to continue in force for a limited time an Act intituled "An Act to grant "Salaries to Police Magistrates and the expenditure necessary for the performance of their Duties," and an Act, intituled "An Act to amend the Magistrates' Salary Act, 1853" (19th December 1862)	554
187. An Act to continue in force a certain Act intituled "An Act for laying a Duty on "Exports" (19th December 1862)	554
188. An Act to alter and amend "The Import Act, 1860" (19th December 1862)	554
189. An Act to alter and amend "The Riots Indemnity Act, 1862" (22nd January 1863)	554

THE
LAWS OF ST. VINCENT
AND
ITS DEPENDENCIES.

No. 1.

An Act for appropriating a Piece of Land on the Public Quay in Prince's Town for a Parsonage House for the Parish of St. Patrick.

[28th March, 1772.]

WHEREAS His Majesty's Commissioners for the Sale and Disposal of Lands have appropriated a dwellinghouse, situate on the public quay in Prince's Town, for a Parsonage House for the Parson of the parish of St. Patrick : *And whereas* the said dwellinghouse being situated on the public quay, is subject to be removed by the Waywardens, although the same does not obstruct the passage in the said Town or incommode the inhabitants thereof, and the removal thereof will be attended with great expense ; We, therefore, Your Majesty's most dutiful and loyal subjects, WILLIAM LEYBORNE LEYBORNE, Esquire, Captain-General and Governor-in-Chief in and over all Your Majesty's Southern Charibbee Islands in America, and the Council and Assembly of this Your Majesty's Island of St. Vincent, humbly pray that it may be enacted, *And be it and it is hereby enacted* by the authority aforesaid, That a piece or lot of land, containing one hundred feet in front by fifty feet in depth according to the diagram thereof recorded in the Secretary's Office, on which the said dwellinghouse appropriated for a Parsonage House in the town of Prince's Bay is situated, shall be and is hereby appropriated for the use of the Parson of the parish of St. Patrick and his successors for ever, as part of the endowment of the said Parsonage.

Preamble.

CLAUSE I.
Parsonage House and
Lot appropriated for
use of the Parson and
his successors.

No. 2.

An Act against covenous and fraudulent Conveyances, and for establishing a Public Registry in the Island of St. Vincent. [28th March, 1772.]

WHEREAS divers of His Majesty's subjects in this Island may incur great losses and prejudice by reason of fraudulent sales, conveyances, estates, gifts, and assurances, and limitations of uses to be made of, in, or out of any lands, tenements, or hereditaments to be purchased, which cannot be remedied or be prevented more effectually than by settling and establishing a proper Office for the securing and preserving of Deeds, Conveyances, and Wills : And whereas His Majesty's Northern Charibbee Islands have by many years' experience been convinced of the very great advantages arising from the Laws which have been there made for erecting Offices for the registering of Deeds, Conveyances, and Wills, whereby the estates and titles are rendered less uncertain and precarious to the inhabitants of these Islands : We, therefore, Your Majesty's most dutiful and loyal subjects,

Preamble.

B

No. 2.
28th March, 1772.

CLAUSE I.
Public Registry es-
tablished.

Office to be executed
by the Secretary or
Deputy-Secretary of
the Island.

CL. II.
No appointment of a
Registrar valid until
recorded.

CL. III.
Registrar authorized
to appoint a Deputy.

CL. IV.
Acts of such Deputy
to be held firm and
valid.

CL. V.
Registrar answerable
for damages sustain-
ed through negli-
gence, &c., of such
Deputy.

CL. VI.
Registrar to be sworn.

Form of Oath.

Registrar to enter into
a recognizance in the
penalty of 3,000*l*.
[Repealed, as to recog-
nizance, by an Act
passed 12th March,
1827; and *vide* Act,
15th Oct., 1845.]

Any person aggrieved
by Registrar or his
Deputy may bring a
writ of *Scire Facias*.

WILLIAM LETBORNE LETBORNE, Esquire, Captain-General and Governor-in-Chief in and over all Your Majesty's Southern Charibbee Islands in America, and the Council and Assembly of this Your Majesty's Island of St. Vincent, do most humbly pray that it may be enacted, *And be it and it is hereby enacted* by the authority aforesaid, That a Public Office for the registering of Deeds, Conveyances, and Wills, shall be established in this Island, which shall be an Office distinct from all other Offices; and that the person who shall execute the Office of Registrar shall be the Patentee (if resident) to whom the King's Royal Grant for executing the Office of Secretary and Enroller of Deeds in this Island has already been or may hereafter be granted, or his Deputy residing here and having his Patent or Deputation for that purpose recorded in the Secretary's Office; and such Registrar shall keep and execute his said Office in the town of Kingstown, in the Island aforesaid.

That no appointment of a Registrar, by what authority soever made, shall be valid, so as to enable such Registrar to enter on the execution of his office, until such appointment is recorded in the Secretary's Office of this Island.

That the said Registrar shall have full power and authority to appoint one Deputy for the better performing the business of the said Office, which Deputation shall be in writing and under the hand and seal of the said Registrar; and in no ways to take place until recorded both in the said Registrar's and Secretary's Office of this Island.

That such Deputy being so appointed shall execute all the powers and authorities to the said Registrar belonging as fully and amply to all intents and purposes as if done by the said Registrar; and whatsoever the said Deputy shall lawfully act or do, in, about, or concerning the premises, shall be held firm and valid.

That the said Registrar shall always be answerable for, and liable to make recompense and satisfaction for, any damage sustained either through the negligence, faults, or mismanagement of such Deputy in and about the execution of his office.

That every such Registrar, however or by whomsoever appointed as aforesaid, before he takes upon him the execution of his office shall be sworn before the Chief Governor, Lieutenant-Governor, or President of the Council for the time being, who are hereby empowered and required to administer the following Oath, *viz.*—You shall truly and faithfully perform and execute the Office and Duty that is directed and required by an Act of this Island, intituled "An Act against covenous and fraudulent Conveyances, " and for establishing a Public Registry in the Island of St. Vincent," in registering Deeds, Conveyances, and Wills within the same, so long as you shall continue in the said Office.—So help you God. And that when and as often as the said Registrar shall appoint any Deputy to execute the said office, such Deputy shall before he enters on the execution thereof take the above Oath before the said Governor-in-Chief, Lieutenant-Governor, or President of the Council for the time being, who are hereby empowered and required to administer such Oath.

* * * * *

If any person or persons shall or may happen to be aggrieved, or suffer any wrong or damage by the Registrar for the time being or his Deputy, contrary to the true intent and meaning of this Act, such person or persons shall and may in His Majesty's name bring a writ of *Scire Facias* against the said Registrar, his executors or administrators upon the aforesaid recognizance, returnable in the Court of Common Pleas in this Island, to which said *Scire Facias* the Registrar, his executors or administrators shall be obliged to plead and come to issue in the second Court after the service of such Writ, otherwise Judgment shall be given against him or

No. 2.
28th March, 1772.

them as by *nihil dicit*, and then a Writ from the Chief Justice of the said Court, or in his absence the next Justice in Commission, shall be directed to the Provost Marshal or his lawful Deputy to inquire by twelve good and lawful men of the said Island of the damages sustained by the person or persons prosecuting such Writ, and upon the return of the same Inquisition Judgment shall be given for treble the value of the damages so found by such Jury, which damages when levied shall go and be paid by the Provost Marshal of the said Island or his lawful Deputy to the party so found to be aggrieved.

That if any such Registrar or his Deputy shall enter or register any Deeds or Conveyances which shall or may affect any lands, tenements, or hereditaments within this Island before the same shall be acknowledged or proved in manner as hereinafter is directed, or shall neglect to perform his or their duty in the execution of the said office according to the rules and directions in this Act, or commit or suffer to be committed any undue or fraudulent practice in the execution of the said office, and be thereof lawfully convicted, then the said Registrar shall pay Treble Damages to every such person or persons as shall be injured thereby; to be recovered by such writ of *Scire Facias* as aforesaid to be brought on the aforesaid recognizance; and in case such recognizance shall fall short of the damages so sustained by such person or persons, that then such person or persons shall and may recover the residue of his or their damages against such Registrar, his executors, or administrators, by action of debt, bill, plaint, or information in any of His Majesty's Courts of Record within this Island, wherein no essoin, protection, privilege, or wager of law shall be allowed, or any more than one imparlance: *Provided nevertheless*, That if any person or persons appointed or to be appointed Registrar by virtue of this Act shall happen to die, or shall surrender or be dismissed from the said Office, that then and in such case, if no misbehaviour appear in such Registrar in the execution of his said Office within two years after such death, surrender, or dismission, the recognizance so to be entered into by such Registrar shall from thenceforth cease, determine, and be absolutely void to all intents and purposes whatsoever, as if the same had never been entered into, acknowledged, or made; anything herein contained to the contrary thereof in any wise notwithstanding.

That if any person, howsoever or by whomsoever appointed as aforesaid, shall presume to act as Registrar or Deputy-Registrar within this Island before his Patent, Deputation, or Appointment is recorded as aforesaid, or before he has taken the oaths and given the securities hereby required, he shall forfeit the sum of three thousand pounds currency to His Majesty, his heirs and successors, for the public uses of this Island and the support of the Government thereof, to be recovered in His Majesty's Court of Exchequer in this Island.

* * * * *

That every such Registrar or his Deputy, as often as required, shall make searches concerning all Deeds, Conveyances, and Wills that are registered as aforesaid, and give Certificates concerning the same under his hand when required by any person, under a penalty of fifty pounds for every neglect or refusal to make such search or give such certificate; to be recovered in any of His Majesty's Courts of Record within this Island by action of debt, bill, plaint, or information, wherein no essoin, protection, or wager of law, nor more than one imparlance shall be allowed; one moiety of all such forfeitures to be paid to the person who shall prosecute for the same, and the other moiety to His Majesty, his heirs and successors, for the public uses of this Island and the support of the Government thereof.

CL. VII.
Registrar or Deputy registering any Deeds not acknowledged or proved, or failing in his duty, &c., to pay Treble Damages to party grieved.

How to be recovered.

CL. VIII.
Registrar dying, &c., and no misbehaviour appearing against him within two years, recognizance entered into to be void.

CL. IX.
Any person presuming to act as Registrar or Deputy, before his appointment is recorded, or he be properly qualified, to forfeit 3,000*l*.

CL. X.
[Repealed by Act, 9th Sept. 1850.]

CL. XI.
[Repealed, as to Registrar's attendance at his Office; *vide* Act, 9th Sept., 1850.]

To make searches and give Certificate under penalty of 50*l*.

How recovered and applied.

No. 2.
28th March, 1772.

CL. XII.
Times allowed for acknowledging Deeds before Registrar after execution thereof, &c.

And in order to allow a reasonable time after the execution of Deeds and Conveyances for bringing them to the Registrar's Office to be acknowledged and recorded, all Deeds, Conveyances, and other Instruments of Writing, executed after the date of this Act, which in anywise affect or relate to lands, tenements, or hereditaments in this Island (Wills only excepted), shall and may be acknowledged before the Registrar or his lawful Deputy, as follows: (that is to say) for the acknowledgment of all such Writings executed in this Island, there shall and may be allowed the space of thirty days after the date thereof; and for all such as shall be executed in the Island of Grenada, the Grenadines, Tobago, Dominica, and Barbadoes, the space of three calendar months; and for those executed in any of the Islands known by the name or comprehended under the Government of His Majesty's Leeward Charibbee Islands, the space of four calendar months; and for those executed in any part of Great Britain, Ireland, the Continent of North America, or any other part of His Majesty's dominions not hereinbefore mentioned, the space of twelve calendar months; and all Deeds, Conveyances, and other Instruments in Writing duly acknowledged before the Registrar or his Deputy by the party or parties executing the same within the times for that purpose limited and prescribed shall be valid and effectual to all intents and purposes whatsoever, as if registered on the days of their respective dates; and all Deeds, Conveyances, and other Instruments in Writing affecting or relating to any lands, tenements, or hereditaments in this Island, and acknowledged after the respective times so limited and prescribed, shall, as against subsequent purchasers or incumbrancers of or upon the same lands, tenements, and hereditaments, or any part thereof, be valid and effectual only from the respective times of acknowledging the same; but, as between the parties to such Deeds and all claiming or deriving title under them where there are no subsequent purchasers or incumbrancers, such Deeds, Conveyances, and Instruments in Writing shall be (whenever recorded) as valid and effectual from the dates thereof as if this Act had never been made: *Provided always*, That with respect to Deeds executed beyond seas, if it shall be made appear by proper oath, certificate, or evidence that any Deed, Conveyance, or other Instrument in Writing was lost at sea, intercepted by the enemy, or otherwise unavoidably detained beyond the time limited for the acknowledgment thereof, without the fault or neglect of the party interested to lodge and record the same, then and in every such case the said Deed, if recovered, or a duplicate thereof if the original be lost or destroyed, being duly proved as herein directed, shall be received, and the acknowledgment thereof taken by the Registrar or his Deputy; and the same being recorded shall be as valid and effectual as if the same had been acknowledged within the time hereinbefore for that purpose limited, so as proof, certificate, or evidence of the loss or detention of the original be at the same time lodged and recorded in the Registrar's books immediately after the Deed, Conveyance, or other Instrument in Writing so to be recorded; *Provided* the same be brought into the said Office to be registered within two years from the time of the execution thereof.

Proviso respecting Deeds executed beyond seas, lost or intercepted by an enemy.

CL. XIII.
Parties to Deeds, not appearing personally to acknowledge them, to appoint an Attorney expressly for that purpose.
[No longer necessary; vide Act, 7th Sept., 1850.]

That in all cases where the party or parties executing any Deed, Conveyance, or other Instrument in Writing do not personally appear to acknowledge the same as his, her, or their act and deed before the Registrar or his Deputy, he, she, or they shall appoint one or more attorney or attorneys expressly for that purpose under hand and seal, either in the body of or indorsed on or annexed to the Deed, Conveyance, or Instrument to be acknowledged; and such acknowledgment of an absent person by attorney shall not be taken by the Registrar or his Deputy until the execution of the Deed by such absent person, and the Power of Attorney, hath been duly proved on oath by one of the subscribing witnesses thereto either before one of the Justices of the Court of Common Pleas in this Island, or before the Chief Magistrate of some City or Corporate town in Great Britain or Ireland, or before some resident Governor or Commander for the time being of some of His Majesty's Colonies or Plantations, and certified under the hand of the said Justice, if in this Island, and under the

seal of the said Corporation, or the hand and seal of such Governor or Commander.

That from and after the publication of this Act, no Bargain, Sale, Mortgage, Lease, Conveyance, Assurance, or other Instrument in Writing, of what nature or kind soever (Wills only excepted), affecting or in anywise relating to any lands, tenements, or hereditaments in this Island shall be pleadable or allowed to be pleaded in any Court in this Island, unless the same be written in the English language, and appears to have been at some time or other previously recorded in the Registrar's Office; and the acknowledgment of all Deeds, specifying the party or parties acknowledging the same, and whether they appeared personally or by attorney, shall be indorsed by the Registrar or his lawful Deputy on the Deed, Conveyance, or Instrument in Writing so acknowledged, together with the day of the month and the year of our Lord in words at large, and afterwards signed by the Registrar or Deputy-Registrar's own hand.

That after such acknowledgment and indorsement as aforesaid the said Deed, Conveyance, or other Instrument in Writing, before the said Registrar shall part with the same out of his said Office, shall be duly and fairly registered and entered at large in a Book made of good thick and durable paper to be kept for that purpose; and the original Deed, Conveyance, or other Instrument in Writing so registered shall be delivered to the party entitled thereto, (if demanded) within the space of six calendar months, if such Deed shall be acknowledged within one year from the publication of this Act, and within three calendar months if acknowledged after the expiration of the said year.

And to prevent disputes which may happen about the priority of entering the said Deeds, Conveyances, or other Instruments in Writing, or any of them, the time of acknowledgment shall be esteemed and taken to be the time of the Entry or Register thereof.

That from henceforth no Will, wherein or whereby any estate in lands or tenements are [is] devised, shall be allowed to be pleaded or admitted for evidence in any Court of Law or Equity until the same be duly proved before the Governor-in-Chief, Lieutenant, or Deputy-Governor, or such other person or persons having power to take the Probate of Wills, and entered at large in the said Registrar's Office: *Provided always*, That all Wills heretofore duly proved and recorded in the Secretary's Office may be pleaded and admitted in evidence without being again recorded in the Registrar's Office.

That copies of all Bargains, Sales, Mortgages, or other Deeds, Wills, or Instruments in Writing which shall be attested by the said Registrar or by his lawful Deputy for the time being as being true copies of the Record in his Office shall be as good evidence, and in the same manner allowed to be pleaded in any Court of this Island, as if the original was then and there exhibited; and such attestation of the Registrar or his Deputy of itself shall be sufficient proof of the execution of the original; except Leases, which being temporary in their own nature, the Record shall be equal to the original in validity no longer than one year after the expiration of the term in such Lease mentioned, or until the first Court after such year expired, to the end that no person may have trouble after the original is complied with and cancelled.

And whereas it will greatly tend to the security of persons hereafter purchasing lands, tenements, or hereditaments, or taking any mortgage, or making contracts or agreements on or for the same, that all Bargains, Sales, Leases, Mortgages, and all other Deeds, Conveyances, Assurances, or other Instruments in Writing heretofore made in any language whatsoever, which have any relation to or concern any estate in lands, tenements, or hereditaments in this Island, in fee simple, fee tail, or for life or years, and which have not been registered in the Secretary's Office in this Island, should be made notorious in the Registrar's Office, so that persons resorting thereto may have knowledge thereof; but the acknowledging and registering the same, in manner and form as hereinbefore prescribed for Deeds and Conveyances hereafter to be made, may be in most cases greatly incon-

No. 2.
28th March, 1772.

CL. XIV.
No Deed pleadable in any Court, unless written in the English language, and previously recorded; and the acknowledgment of all Deeds to be indorsed and signed by the Registrar.

CL. XV.
Said Deeds to be recorded before Registrar part with them out of his Office, &c.

CL. XVI.
Time of acknowledgment to be esteemed the time of Entry or Registry of Deeds.

CL. XVII.
No Will to be admitted as evidence until proved before Governor, &c.

CL. XVIII.
Proviso.

CL. XIX.
Copies of Deeds attested by Registrar as good as the original.

Except Leases.

Preamble.

No. 2.
28th March, 1772.

CL. XX.

Deeds made before the publication of this Act, and not recorded in the Secretary's Office, to be entered in the Registrar's Office; and directions respecting the same.

venient, and in some totally impracticable from the death or absence of parties thereto; *Be it enacted*, That all such Bargains, Sales, Leases, Mortgages, and other Deeds, Conveyances, and Assurances as last before mentioned, which shall have been made at any time before the publication of this Act, shall be entered in the Office of the said Registrar in manner and form following: (that is to say) That any one of the parties to any such Bargains, Sales, Leases, Mortgages, or other Deeds as aforesaid who has sealed and delivered the same, or any one of the witnesses to the execution thereof, shall or may, within six calendar months after the publication of this Act, produce such Bargain, Sale, Lease, Mortgage, or other Deed or Conveyance, Assurance or Instrument in Writing, or a copy of the same, if such person is residing in this Island, before any Judge of the Court of Common Pleas of this Island, and make a deposition on oath that the said Bargain, Sale, Lease, Mortgage, or other Deed or Conveyance, Assurance, or Writing so produced, was really and *bonâ fide* sealed and delivered by the parties thereto; or if a copy is so produced, that the same is a just and true copy of such Deed which was really and *bonâ fide* executed as aforesaid; and if the party desiring to enter in the Office of the said Registrar any such Deed or Conveyance shall be resident in Great Britain or other parts of His Majesty's dominions out of this Island, he shall or may, within eighteen calendar months after the publication of this Act, produce the same or a copy before the Chief Magistrate of any Corporate city or town, or resident Governor or Commander of any of His Majesty's Colonies in America, and make a deposition on oath of the due execution thereof in like manner as hereinbefore directed to be done by persons resident in this Island; and on any such person or persons, or his or their agent, delivering to the said Registrar such Deed or Conveyance, or copy so sworn to, with a Certificate indorsed thereon or annexed thereto from the Judge before whom the said deposition was made in this Island, or under the Corporate seal of the place where the same was made, if by a person resident in Great Britain or other parts out of this Island, the Registrar or his Deputy on receiving the same shall give a Certificate of such receipt, and the Deed or Conveyance shall be deemed to have been entered and recorded from the date of such Certificate, and the same shall be copied in a book or books to be kept for that particular purpose: *Provided always*, That the same shall be delivered to the Registrar, if attested in this Island within one month after such attestation, and if in Great Britain or other parts out of this Island within twelve months; and the Registrar shall be paid the like fee for entering the same as for registering Deeds to be made subsequent to the making of this Act.

CL. XXI.

Such Deeds not entered in the Registrar's Office, null and void as against subsequent Purchasers, claiming under any other Conveyance.

That every such Deed or Conveyance made before the publication of this Act (provided the same hath not been registered in the Secretary's Office of this Island) which shall not be entered in the Office of the said Registrar in the manner and within the time hereinbefore limited, shall be null and void as against subsequent purchasers or incumbrances claiming by or under any Bargain, Sale, Lease, Mortgage, or other Conveyance or Instrument acknowledged and registered as by this Act is before directed, and shall never be admitted as evidence in any Court or case whatsoever to the prejudice of any person claiming under such subsequent Deed or Conveyance; but any such Deed or Conveyance, although not entered in the Office of the said Registrar within the time limited as aforesaid, shall (whenever the same shall be recorded) be as valid and effectual and have its full force between the parties thereto and persons claiming under them, where no title or estate is claimed by virtue of any such subsequent Deed, as if this Act had never been made.

To be valid whenever recorded, where no title claimed under any subsequent Deed.

CL. XXII.

Registrar to get 12th and 20th Clauses printed.
[Had its effect.]

Preamble.

CL. XXIII.

Instruments in writing recorded to be equal to a Livery and Seisin.

And whereas there may arise many disputes concerning the Livery of Seisin of lands or tenements purchased according to the course of the Common Law; for the prevention whereof and to ascertain the same, *Be it enacted*, That all Instruments in Writing heretofore made relating unto lands

* * * * *

or tenements, and which have been recorded in the Secretary's Office of this Island, or which shall hereafter be made and recorded in the Registrar's Office, shall be to all intents and purposes equal to a Livery and Seisin; and that copies of such Deeds and Instruments in Writing as have been heretofore recorded in the Secretary's Office as aforesaid, and been attested by the Secretary or his lawful Deputy in the same manner as copies of Deeds to be hereafter registered in the Registrar's Office and by this law required to be attested, shall be admitted as sufficiently proved, and taken as legal evidence in all Courts of Law and Equity in this Island, in all cases where the Deeds themselves can or may be admitted as evidence.

And that all Deeds made in this Island for the future and recorded in the Registrar's Office shall operate according to the purport of the said Deeds without any Livery of Seisin; and pleading the said Deeds to be registered in the Registrar's Office, shall be adjudged in any Court of this Island as Livery and Seisin, and to be as good in law by such pleading and showing as aforesaid as though Livery and Seisin were actually perfected according as the law in the strictest sense can allow and construe the same; any law, usage, or custom to the contrary notwithstanding.

* * * * *

That the Registrar may demand and have all his fees before he receives a Deed to be recorded, and before he makes his attestation of the acknowledgment, or he may refuse to receive the Deed.

That in case any Deed or Writing shall be brought to the Registrar to record or attest, for which a fee is not here inserted, that it shall be left to the Governor, Council, and Assembly, to appoint what and how much he shall receive.

* * * * *

That in all cases wherein by this Act an Oath is required, the Affirmation of the person (if one of the people called Quakers) shall be taken and allowed to be of equal validity with a deposition on oath.

No. 2.
28th March, 1772.

Copies of Deeds heretofore recorded, and attested by Secretary, to be taken as legal evidence in all Courts.

CL. XXIV.
All Deeds made hereafter and recorded, to operate according to the purport thereof, without Livery of Seisin.

CL. XXV.
Fees of Registrar.
[Repealed by Act, 9th Sept., 1850.]

CL. XXVI.
Registrar may demand his fees before he receives a Deed, &c.

CL. XXVII.
Where no fee for recording any Writing is here inserted, how to be settled.

CL. XXVIII.
[Had its effect.]

CL. XXIX.
Affirmation of Quakers to be taken.

No. 3.

An Act for extending the Operation of all the Laws now in force in this Island to Bequia and such of the Grenadines as lie to the Northward of Cariacou.
[25th June, 1784.]

WHEREAS by His Majesty's Commission under the Great Seal of Great Britain, appointing His Excellency EDMUND LINCOLN, Esquire, Governor-in-Chief of this Island and its Dependencies, such of the Grenadines as lie to the northward of Cariacou are included, and now make part of this Government: *And whereas* it is thought expedient that the inhabitants of the said Islands should be bound by and have the benefit of the Laws now in force in this Island; *Be it therefore enacted* by His said Excellency EDMUND LINCOLN, Esquire, His Majesty's Captain-General and Governor-in-Chief in and over the Islands of St. Vincent, Bequia, and such of the said Islands, called the Grenadines, as lie to the northward of Cariacou, in America, the Members of His Majesty's Council, and the General Assembly of the same, That from and after the publication of this Act, every Law, Act, Statute, and Ordinance now in force in this Island shall, and they are hereby declared to extend to and operate in the said Island of Bequia, and such other of the said Islands, called the Grenadines, as lie to the northward of Cariacou, in America, such of them and so far as they are applicable to the same; any law, usage, or custom to the contrary notwithstanding.

Preamble.

CL. I.
All Laws in force in this Island, extended to the Grenadines.

No. 4.

[Repealed 13th Dec.,
1844, except as to
Clauses 3 and 4.]

An Act for regulating the Proceedings at Elections, describing who shall be deemed Freeholders capable of electing and being elected Representatives; and for erecting into a Parish the Lands between the Rivers Iambou and Byera, and to enable the Inhabitants thereof and of the Islands of Bequia and such other of the Grenadines as lie to the Northward of Cariacou in America, to elect Representatives to serve in the General Assembly of this Government. [7th July, 1786.]

CL. III.
Boundary of Parishes.

BE IT ENACTED, That the lands extending from the river Byera to the river Iambou, and running along the bed of the said river until they reach the high ridge of mountains which runs through the centre of the Island, shall form one Parish, and be called Charlotte parish; and the Parish of St. George shall extend from the last-mentioned river Iambou to Kingstown north-river, where it empties itself into the sea, and up the bed of the said river until it divides, and from thence, continuing the course of the northern branch of the said river, to the great ridge of mountains running through the centre of the Island; and the Parish of St. Andrew shall extend from the northern branch and river before mentioned to the high ridge to the northward of Queen's Valley, and which divides the said valley from Rutland Valley, and to run along the said ridge until it meets the great ridge of mountains which runs through the centre of the Island; and the Parish of St. Patrick shall extend from the said last-mentioned ridge to the high ridge to the northward of Cumberland Valley, commonly called Byam's Hill, to run along the said ridge until it meets the great ridge of mountains which runs through the centre of the Island; and the Parish of St. David shall extend from the said last-mentioned northern boundary of St. Patrick, commonly called Byam's Hill, unto the furthest boundary of the land granted to Colonel George Etherington, and to include the same.

CL. IV.
Lands within the
boundary of Charlotte
Parish to be hereafter
considered as part
thereof.

And whereas there may be many Grants, Deeds, Conveyances, and other Writings, by which the lands lying in the Parish by this Act called Charlotte Parish, and part of the Parish of St. George, are now held, and in which said Grants, Deeds, Conveyances, and other Writings the said lands are mentioned and described to be in some other parish or parishes which do not now exist; *Be it therefore enacted*, That immediately from and after the publication of this Act all lands whatsoever lying and being within the boundaries of the said parishes or either of them, as particularly described in this Act, shall be deemed, taken, and esteemed to be within the same respectively, and to be part and parcel thereof to all uses, intents, and purposes whatsoever.

No. 5.

An Act to appropriate for the Benefit of the Neighbourhood the Hill called the King's Hill, in the Parish of St. George, and for enclosing the same, and preserving the Timber and other Trees growing thereon in order to attract Rain. [2nd April, 1791.]

Preamble.

WHEREAS His Majesty's Commissioners for the Sale and Disposal of Lands in the Ceded Islands did reserve to His Majesty, his heirs and successors, the hill called the King's Hill, in the Parish of St. George, situated between the rivers Ribishi and Cubaimarou, but did nevertheless appropriate the said hill for the benefit of the adjacent estates for the purpose of attracting rain; and such appropriation His said Majesty was afterwards graciously pleased to approve and confirm: *And whereas* the effect of the said hill, by attracting the clouds and rain hath greatly benefited all the lands in the neighbourhood, but nevertheless encroachments have been made thereon

highly injurious; for remedy whereof in future, We, your Majesty's most loyal and dutiful subjects, JAMES SETON, Esquire, Captain-General and Governor-in-Chief in and over the Islands of St. Vincent, Bequia, and such other the Islands, commonly called the Grenadines, as lie to the northward of Carriacou, in America, Chancellor Ordinary and Vice-Admiral of the same, &c. &c., and the Council and Assembly of the same, humbly pray that it be enacted, *And be it and it is hereby enacted* by the authority aforesaid, That the said hill, called the King's Hill, with the timber and other trees and wood growing or that may grow thereon, according to the extent and boundary thereof as reserved by His Majesty's said Commissioners, shall be and is hereby reserved and appropriated for the purpose of attracting the clouds and rain, as declared by His Majesty's Commissioners and afterwards graciously confirmed and allowed by His said Majesty, for the benefit and advantage of the owners and possessors of lands in the neighbourhood thereof.

That William Urquhart or Alexander Ramsay, Surveyors, with or without any other surveyor or surveyors to be associated and joined as the person or persons whose lands adjoin the said hill shall or may choose; * * * * * and they the said William Urquhart or Alexander Ramsay [are or] is hereby authorized and required, within three months after the publication of this Act, to make an actual survey of the said hill called the King's Hill and to ascertain the exact boundaries and dimensions thereof, and to mark the same, giving at least eight days' notice to the respective proprietors or possessors of lands contiguous to the said hill, or to their lawful attorney or attorneys, of the day such survey is intended to be made; and also to make two exact plans or diagrams thereof, and to sign the same, one of which plans or diagrams he is within one month after such actual survey to lodge and deposit in the Secretary's Office of this Island, and the other thereof is hereby directed to be annexed to this Act.

That each and every person and persons seized or possessed of land adjoining the said hill, called the King's Hill, do and shall within two months next immediately after such actual survey shall have been made and the boundaries thereof ascertained as hereinbefore directed, plant or sow a hedge or fence of Galba between the said hill and his, her, or their lands, under the penalty of One Hundred Pounds current money; and shall and do from time to time and at all times hereafter preserve, maintain, repair, and keep the same in good order, under the penalty of Ten Pounds current money, for each and every neglect or omission so to do; to be recovered by any person or persons who shall sue for the same in any action, suit, or plaint in any Court of Law in the said Island of St. Vincent, in which no essoin, imparlance, or wager of law shall be allowed, together with full costs of suit; one half of which said penalty shall go to the person or persons who shall sue for the same, the other half thereof shall be and is hereby ordered and directed to be paid into the Public Treasury of this Island, for the public uses thereof: *Provided nevertheless*, That the Commander-in-Chief for the time being is hereby authorized and empowered to use and apply such part and parts thereof as shall be requisite and necessary in and towards the fencing and preserving entire the said hill called the King's Hill, the wood growing thereon, and the fences thereof: And the Waywardens for the parish of St. George, or any proprietor of lands within three miles of the hill, or his or their attorneys, are hereby authorized to visit the boundaries and fences to see that the fences are preserved and no encroachments made.

That if any person or persons whomsoever, at any time or times after the boundaries of the said hill shall be ascertained as herein directed, shall or do by themselves or workmen cut down, destroy, take, or carry away any timber or other trees or wood or brush or underwood now growing, standing, or being on the said hill, or within the boundaries thereof, or shall clear, plant, or cultivate, or permit or suffer his, her, or their servants to clear, plant, or cultivate any part or parts of the said hill, such person or persons shall for each and every such offence pay and forfeit the sum of Sixty Pounds, to be recovered by action of debt, bill, plaint, or information,

No. 5.
2nd April, 1791.

CL. I.
King's Hill reserved
for attracting clouds
and rain.

CL. II.
Surveyors required to
survey and ascertain
boundaries, &c., giving
eight days' notice to
proprietors, &c., of
lands contiguous.

CL. III.
Proprietors of land
adjoining the hill to
fence between their
lands and the hill, un-
der penalty of 100*l.*;
and to preserve fences
under penalty of 10*l.*

Proviso.

CL. IV.
Penalty on cutting
down timber, &c., or
clearing, &c.

No. 5.
2nd April, 1791.

CL. V.

in any Court of Record in this Island, by any person who shall sue for the same, and a moiety thereof shall be paid unto His Majesty, his heirs and successors, for the public uses of this Government.

That nothing in this Act contained shall operate against or be construed to affect or prejudice the rights of His Majesty, his heirs and successors.

No. 6.

An Act to repeal an Act, entitled "An Act to settle the Rate of Interest within this Island," dated the Third Day of July, One Thousand Seven Hundred and Seventy, and to settle the Rate of Interest at Six per Cent. [20th March, 1793.]

Preamble.

WHEREAS from the present high rate of interest at eight per cent. many industrious inhabitants of this Government are prevented from undertaking the cultivation of the lands in their possession, whereby this Colony cannot be of such consequence to Great Britain as it may otherwise be, and the revenue [is] considerably less to Government than if it was in a state of complete cultivation; and a further reason for reducing the rate of interest is, that it generally falls on the industrious tradesmen, or those people that are not in a situation of establishing a credit in Great Britain—We therefore, Your Majesty's loyal, dutiful, and obedient subjects, the Governor-in-Chief of the Islands of St. Vincent, Bequia, and such of the Islands as lie to the northward of Carriacou, in America, commonly called the Grenadines, and the Council and Assembly of this Your Majesty's said Island of St. Vincent, humbly pray Your Most Sacred Majesty that the said Act of one thousand seven hundred and seventy may be repealed, and it is hereby repealed: *And that it be and it is hereby enacted and ordained* by the authority aforesaid, That from and after the first day of June which shall be in the year of our Lord one thousand seven hundred and ninety-three it shall and may be lawful upon any contract, which shall be made from and after the said first day of June, in the year last aforesaid, to take for loan of any money, wares, merchandize, or other commodities whatsoever, Six Pounds for the forbearance of One Hundred Pounds for one year, and so after that for a greater or lesser sum, or for a longer or shorter time; and that all mortgages, bonds, contracts, and assurances whatsoever made after the time aforesaid for payment of any principal or money to be lent, or covenanted to be performed upon, or for any usury whereupon or whereby there shall be reserved or taken above the rate of Six Pounds in the Hundred as aforesaid, shall be utterly void; and that all and every person or persons whatsoever who shall after the time aforesaid, upon any contract to be made after the said first day of June in the year last above mentioned, take, accept, and receive by way and means of any corrupt bargain, loan, exchange, chevisance, shift, or interest of any wares, merchandize, or other thing or things whatsoever, or by any deceitful way or means, or by any covin engine or deceitful conveyance, for the forbearing or giving day of payment for one whole year of and for their money, and other thing, above the sum of Six Pounds for the forbearance of One Hundred Pounds for a year, and so after that rate for a greater or lesser sum, or for a longer or shorter time, shall forfeit and lose for every such offence, treble the value of the moneys, wares, or merchandizes so lent, bargained, exchanged, or shifted.

CL. I.
Rate of interest 6l.
per cent. from 1st
June, 1793.

Contracts for greater
interest void.

And forfeiture of
treble value.

CL. II.
Scriveners, &c., taking
more than 5s. per cent.
subject to fine of 30l.,
and to be imprisoned
for half-a-year.

That all and every scrivener and scriveners, broker and brokers, solicitor and solicitors, driver and drivers of bargains for contracts, who shall after the first day of June, in the year one thousand seven hundred and ninety-three as before mentioned, take or receive directly or indirectly any sum or sums of money, or other reward or thing for brokerage, soliciting, drawing, or procuring the loan or forbearing of any sum or sums of money over and above the rate or value of Five Shillings, for the loan or forbearance of One

Hundred Pounds for a year, and so rateably, shall forfeit for such offence Thirty Pounds current money, with costs of suit, and suffer imprisonment for half-a-year; one moiety of all the aforesaid forfeitures to be paid to the prosecutors, and the other to the King's Most Excellent Majesty, his heirs and successors, to be paid into the hands of the Treasurer of this Island for the time being for the use of this Government; to be recovered in the Court of King's Bench and Common Pleas to be held for this Government, or before any two or more Justices of the Peace in their Sessions, or before Justices of Oyer and Terminer and General Gaol Delivery within this Island, by action of debt, bill plaint, or information, in which no essoin, wager of law, or protection of law shall be allowed.

No. 6.
20th March, 1793.

Application of forfeitures.

CL. III.
[Repealed: see Court Act, 1858, as to allowance of 8l. per cent. on protested bills.]

Proviso.
Limitation of actions, &c.

Provided always, That all and every Bill, Plaint, or Information, which shall hereafter be sued, commenced, or brought for, or by means of the forfeiture of treble value, or the penalty of Thirty Pounds aforesaid given by this Act, against any person or persons who will sue or prosecute for the same, shall be so sued, commenced, or prosecuted within One Year next after the offence committed, and not after; and in default of such pursuit, that then the same shall be had, sued, and exhibited for the King's Majesty, his heirs and successors, at any time within Two Years after that year is ended, and not after; and in such last case the whole penalties recovered to be paid into the hands of the Treasurer of this Island for the time being, to be applied for the whole and sole use of this Government. *Provided also*, That nothing in this Act contained shall extend or be construed to extend to alter, increase, or lessen the interest payable on any legacy or legacies, which is, are, or shall become due before the first day of June, one thousand seven hundred and ninety-three, as aforesaid; but all persons to whom such legacy or legacies is, are, or shall be due, shall and may receive and take interest thereon as though this Act had never been made, anything therein contained to the contrary notwithstanding; or any way to affect any bill, bond, contract, or assurance whatsoever, which is or shall be made before the first day of June, in the year of our Lord one thousand seven hundred and ninety-three.

Proviso, as to interest on legacies.

No. 7.

An Act for appointing and empowering Commissioners to Contract and Agree with Workmen and other Persons for the Building of a Common Gaol in the Town of Kingstown. [13th July, 1799.]

AND BE IT FURTHER ENACTED by the authority aforesaid, That the said Building, when completed and finished, shall be deemed and used as and for a Common Gaol for the Island of St. Vincent and its Dependencies, and the same shall be under the charge of the Provost Marshal of the said Island or his lawful Deputy for the time being, who is hereby declared to have the keeping and custody of the same; and the Provost Marshal or his lawful Deputy shall be and is hereby required to take care of the same, and that the offices and yard thereto belonging be constantly clean, healthy, and wholesome.

CL. VIII.
Building when finished to be used as a Gaol, and to be under charge of Provost Marshal.

No. 8.

An Act for appointing Commissioners, and to empower them to Contract and Agree with Workmen and other Persons for the Building a Courthouse and Offices in the Town of Kingstown. [7th May, 1801.]

* * * * *

CL. VIII.
Site vested in His Majesty, and the public uses to which the Building is to be appropriated.

AND BE IT FURTHER ENACTED by the authority aforesaid, That such ground and soil whereon the said Courthouse and its enclosures are to be built, and the said house and enclosures when built shall be and are hereby vested in His Majesty, his heirs and successors, and the Public of this Island, to be and continue for ever unalienable and not grantable over for any other use, estate, intents, and purposes than as follows, to wit:—for the Meetings of the Legislature of this Island, for holding Courts of Justice, and for a place of Divine Worship until such time as a church shall be built, and also for Public Offices for the Secretary of the Island for the time being or his lawful Deputy, and for the Provost Marshal of this Island or his lawful Deputy, in the following manner: that is to say, that the room above stairs on the east and north side shall be for the Governor and Council to sit on all Council and Privy Council days; and that the room above stairs on the north and west side shall be for the House of Assembly on all their public meetings; and that the room between the two shall be for a lobby or passage for the use of both Council and Assembly; and that the long room below stairs shall be for the Sittings of all Courts of Justice, and a place for Divine Worship until a church shall be built; and that when no Council or Assembly shall be sitting the rooms aforesaid shall be made use of for Grand and Petit Juries in criminal cases, and for Juries in all civil cases; and that the rooms to the southward and eastward below stairs shall be for the Secretary's Office; and the room to the southward and westward shall be for the Marshal's Office; and that the room over the Marshal's Office above stairs shall be a Committee-room for the Assembly and for the use of their clerk; and the room over the Secretary's Office shall be a Committee-room for the Council and for the use of their clerk.

No. 9.

An Act to enable the Governor, or the Governor for the time being, of these Islands to appoint a Registrar, and Secretary, and Clerk of the Crown, Peace, and Council, to conduct the Public Business of those Offices in case of the Absence of the Principal Registrar or Secretary or Clerk of the Crown, Peace, and Council; or the Death or Absence of the Acting Deputy or Deputies. [5th January, 1802.]

Preamble.

WHEREAS doubts have arisen how far the Governor of this Island is authorized by the present existing laws to appoint a Registrar of Deeds, or Secretary, Clerk of the Crown, Peace, and Council, in case of the absence of the Principal Registrar, or Secretary, Clerk of the Crown, Peace, and Council, or the death or absence of the Deputy-Registrar, or Secretary, Clerk of the Crown, Peace, and Council:—to remove such doubts, We, therefore, Your Majesty's most dutiful and loyal subjects, DREWRY OTTLEY, Esquire, Commander-in-Chief for the time being in and over the Islands of St. Vincent, Bequia, and such other the Islands, commonly called the Grenadines, as lie to the northward of Carriacou, in America, and the Council and Assembly of the same, have enacted, *And be it and it is hereby enacted* by the authority aforesaid, That the Governor of this Island shall and may, with the consent of the Council, in the absence of the Principal Registrar, or Secretary, Clerk of the Crown, Peace, and Council, and in case of the death or absence of his Deputy or Deputies, Substitute or Substitutes, nominate a

CL. I.
Governor and Council authorized to appoint a Registrar and Secretary, &c., in case of absence of the principal Registrar and Secretary, &c., or his Deputy or Deputies.

fit person to execute such Offices of Registrar, and Secretary, Clerk of the Crown, Peace, and Council, who shall be sworn in the same manner for the due execution of the said several Offices as the Principal or Principals; and his or their Deputy or Deputies, and his or their Commission or Commissions shall be recorded in the Secretary and Registrar's Offices, and he or they regulated in all respects as the Principal or Principals or his or their Deputy or Deputies are regulated by the present existing Laws, and subject and liable to all the penalties of such Laws, and to the receipt of the same fees and emoluments: And in case of the death or absence of any such Registrars or Secretaries, Clerks of the Crown, Peace, and Council appointed by virtue hereof, the said Governor for the time being is further authorized, *et cetera* *quoties*, with the consent of the said Council, to appoint others to officiate in his or their place or places.

No. 9.
5th January, 1802.

No. 10.

An Act to repeal an Act, intituled "An Act for vesting a certain Tract of Land in Kingstown Valley, called the Barrack Ground, In Trust to the President of His Majesty's Council, Speaker of the Assembly, and Chief Justices of the Court of King's Bench and Common Pleas for the time being, and appropriating the same for the purpose of Building thereon a Government House and other necessary Buildings for the Governor or Commander-in-Chief for the time being;" and for purchasing a certain House with the Lands adjoining therein described, and vesting the same in Trust to [in] certain Persons therein named for the Residence of the Governor or Person Commanding-in-Chief in the Island for the time being. [15th December, 1802.]

[Amended by Act,
23rd Nov. 1814.]

WHEREAS an Act, entitled "An Act for vesting a certain Tract of Land in Kingstown Valley, called the Barrack Ground, in Trust to the President of His Majesty's Council, Speaker of the Assembly, and Chief Justices of the Court of King's Bench and Common Pleas for the time being, and appropriating the same for the purpose of building thereon a Government House and other necessary buildings for the Governor and Commander-in-Chief for the time being," was duly published in the town of Kingstown, in the said Island, on the second day of January, in the year one thousand seven hundred and ninety-five, which said Act has never been carried into effect: We, therefore, Your Majesty's most dutiful and loyal subjects, DREWRY OTTLEY, Esquire, President of the Council and Commander-in-Chief for the time being in and over the said Island of St. Vincent and its Dependencies, and the Council and Assembly of the same, have enacted, *And be it and it is hereby enacted* by the authority aforesaid, That the said Act shall be and is hereby totally repealed; *And whereas* there is no convenient place of residence for the Governor-in-Chief for the time being of these Islands; *And whereas* the Honourable Henry Haffey, Esquire, has offered his buildings for sale, conveniently situated in the town of Kingstown, with the lands adjoining, reserving for his own use sixty feet in front of the lot, next Dr. Alexander Melville, *Be it and it is hereby enacted*, That so soon as the above-named Henry Haffey legally conveys his said lands and buildings to a Committee of the Legislature to be appointed for that purpose, there be paid him the sum of six thousand six hundred pounds sterling out of the public Treasury in the following manner:—Six hundred pounds sterling to be discounted with the Treasurer for taxes; two thousand pounds sterling to be paid on the first of March, one thousand eight hundred and three; two thousand pounds sterling to be paid on the first of March, one thousand eight hundred and four; two thousand pounds sterling to be paid on the first of March, one thousand eight hundred and five, together with lawful interest on the two last sums from the date of the conveyance until paid.

Preamble.

CL. I.
Former Act repealed.

CL. II.
Mr. Haffey's house,
&c., to be purchased.

No. 10.
15th December, 1802.

CL. III.
Certain barrack land
to be sold and pro-
ceeds paid into the
Treasury.

And whereas there is a tract of land, consisting, of thirty-five acres near the town of Kingstown, now vested in the hands of Commissioners, where it was intended to build a residence for the Governor: *Be it enacted*, That the said Commissioners shall be authorized to expose to public sale to the highest bidder the said tract of land, known by the name of the Barrack Land, on such terms as they shall be instructed by the Legislature, and shall pay the proceeds unto the public Treasury of the Island, for the use thereof.

CL. IV.
Committee appointed.

Powers given them.

And that the Committee of the Legislature so to be appointed shall be the President and Senior Member of the Council, the Speaker of the Assembly, and the Representatives in the Assembly for the town of Kingstown and parish of St. George, and that any three of them be authorized to draw on the Treasury for the money as it becomes due; and that they or any three of them are hereby declared to be a Body Politic for the purpose of signing, sealing, and executing any necessary and proper Instrument for the above purposes, and of inserting therein any usual and proper Covenants, so as to be effectual for securing any purchaser or purchasers.

No. 11.

An Act for annexing to Charlotte and St. David's Parishes the Lands formerly occupied by the Charaibs, and extending the Operation of the Laws over that Quarter of the Island. [9th June, 1804.]

Preamble.

WHEREAS the Charaibs did in the year 1795 act in open rebellion and conjunction with His Majesty's enemies, whereby they forfeited their right to the lands allotted to them through His Majesty's clemency in the treaty made with them in the year 1773, and the said lands have in consequence of such rebellion reverted to the Crown: *And whereas* doubts have arisen whether the laws heretofore in force in this Government do operate in the Charaib Country, which doubts it is necessary to remove: We, therefore, your Majesty's most dutiful and loyal subjects, HENRY WILLIAM BENTINCK, Esquire, Captain-General and Governor-in-Chief in and over the Islands of St. Vincent, Bequia, and such other the Islands, commonly called the Grenadines, as lie to the northward of Carriacou, in America, and the Council and Assembly of the same, *Do declare and enact*, that the said Lands did revert to and were revested in the Crown by reason of such rebellion of the Charaibs.

CL. I.
Charaib lands forfeit-
ed to the Crown.

CL. II.
Extending Laws to
that part of the Island.

And that, from and after the publication of this Act, every Law, Act, Statute, and Ordinance now in force in this Government shall, and they are hereby declared to, extend to and to operate in that part of the Island heretofore known by the name of the Charaib Country, as the same is more particularly ascertained and described in the aforesaid treaty concluded in the year 1773, extending from the river Byera to Point Espagnole on the one side, and from the river Anilabou to Espagnole on the other side.

CL. III.
Dividing Charaib lands,
and assigning them to cer-
tain parishes. [See Act,
5th March, 1829.]

That all that part of those lands lying between the river Byera and the river on the north side of Owia, and between the sea and the mountains, shall be annexed to and form a part of the parish of Charlotte.

CL. IV.
Duration of Act.

That this Act shall continue in force until His Majesty shall be pleased to dispose of this territory in such manner as may enable it to be formed into one or more distinct Parish or Parishes.

No. 12.

An Act to enable Daniel Parr Bernard, of the Town of Kingstown, Merchant, to build and erect a Wharf in Kingstown Bay for the Accommodation of all Persons who may have occasion to ship or land Goods, Wares, or Merchandizes in the said Bay.

[6th August, 1808.]

WHEREAS it will be advantageous to all such persons who have or may have occasion to ship on board or land [goods] from any of the vessels lying in the different bays or harbours of this Island that a safe, good, and commodious wharf should be erected and built in Kingstown Bay: *And whereas* the said Daniel Parr Bernard is seized and possessed of two town lots of land in the said town of Kingstown, known by the denomination of lot number thirty-five and lot number thirty-six, upon which two lots are erected a large dwellinghouse, outhouses, stores, and other buildings for the purpose of carrying on trade, and which said two lots of land are bounded to the southward and westward by the sea in Kingstown Bay; and the said Daniel Parr Bernard being willing and desirous to erect and build at his own expense a good, safe, and commodious Wharf for the purposes aforesaid: We, therefore, your Majesty's most dutiful and loyal subjects, the Commander-in-Chief for the time being in and over the Islands of St. Vincent, Bequia, and such other the Islands, commonly called the Grenadines, as lie to the northward of Carriacou, in America, and the Council and Assembly of the same, have enacted, *And be it and it is hereby enacted* by the authority aforesaid, That the said Daniel Parr Bernard shall be authorized and empowered, and he is hereby authorized and empowered by the authority aforesaid, to erect and build a Wharf in the sea, adjoining to the two hereinbefore mentioned and set forth lots of land belonging to him the said Daniel Parr Bernard; and that the said Wharf so to be erected shall not extend in breadth beyond the boundary lines of the said two lots of land hereinbefore mentioned, and that the said Wharf so to be erected and built as aforesaid, and the ground upon which the same shall be erected, and all right and title thereto, be vested in the said Daniel Parr Bernard, and his heirs and assigns for ever being in possession of the said lots.

Preamble.

CL. I.
Authority to build a wharf.

That the several prices or sums of money mentioned and expressed in the Docket hereunto annexed be and shall be the standing prices or sums of money, and no other prices or sums of money shall be demanded or taken by the said Daniel Parr Bernard, or whoever may be the owners or possessors of the said lots or Wharf, from any person or persons who shall or may at any time or times hereafter land or ship any goods, wares, or merchandizes at the hereinbefore-mentioned Wharf, under the penalty of Forty Pounds for each offence, to be recovered by warrant under the hands and seals of any two of His Majesty's Justices of the Peace of this Island, directed to the Provost Marshal General of these Islands; one moiety thereof to be paid to the person aggrieved, and the other moiety to be paid into the Public Treasury of these Islands for the uses thereof.

CL. II.
Establishing docket of prices.

If more demanded or taken.

Penalty.

That the said Daniel Parr Bernard, or the owner or possessor of the said lots and Wharf, shall not be suffered or allowed to receive goods without the assent in writing of the owner of such goods, nor refuse any that are offered; and that there shall not be any further charge than what is before specified for the space of three months after such goods being stored; after which period of three months the said Daniel Parr Bernard, or the owner or possessor of the said lots of land and wharf, shall be allowed to charge and receive at and after the rate of ten per cent. per month on the rate of wharfage allowed for such articles in the said Docket.

Regulations.

Docket referred to by the foregoing Act.

	£	s.	d.
Landing, storing, and delivering butts	0	10	4 each.
Ditto ditto hogsheads and puncheons	0	8	3 "
Ditto ditto pipes	0	8	3 "

16 *To vest a Piece of Land in the Townwardens of Kingstown.*

No.12.
6th August, 1808.

	£	s.	d.	
Lodging, storing, and delivering quarter-casks	0	3	0	each.
Ditto ditto barrels	0	2	1	"
Ditto ditto sixty-gallon casks and tierces	0	5	3	"
Cases of, and more than three feet square	0	8	3	"
Ditto under ditto	0	4	2	"
Bales of two hundred and fifty pounds	0	8	3	"
Wood hoops, per thousand	1	0	8	"
Iron ditto, per bundle of twenty hoops	0	2	1	"
Staves and heading, per thousand	2	0	0	"
Boards, plank, and scantling, per ditto	2	0	0	"
Ranging timber, per ditto	1	10	0	"
Trunks, each	0	5	0	"
Small packages, such as jugs, jars, &c. &c., each	0	2	1	"

THOMAS FAIRBAIRN, *Speaker.*

No. 13.

An Act to vest a certain Piece or Parcel of Land situate, lying, and being in the Town of Kingstown, in the Island of St. Vincent, in the Townwardens of the said Town, and to authorize and empower them to contract and agree with James Steele, of the said Island, Esquire, for the Sale and Exchange of the same for a certain other Piece or Parcel of Land also situate, lying, and being in the said Town of Kingstown, and belonging to the said James Steele; and to execute and accept, on the part of the Public, the necessary Conveyances and Assurances for the said several Purposes. [7th August, 1809.]

Preamble.

WHEREAS James Steele, of the Island of St. Vincent, Esquire, is seized and possessed of and in, or otherwise well entitled to a certain piece or parcel of land situate and adjoining to Long Lane, in the town of Kingstown, marked and described by the letter B in the Plan or Diagram hereunto annexed, and forming part of a moiety of a certain lot numbered and denominated Lot 16 in the plan or diagram of the said town, which, by the permission of the said James Steele and the former proprietors of the said moiety of the said lot, has been for many years made use of as part of the street called Long Lane as aforesaid, but which the said James Steele is about to enclose, whereby the passing and repassing of the inhabitants and others frequenting the said town, and of carts and carriages through the said street, will be rendered difficult and dangerous from the narrowness of the same; *And whereas* it would greatly tend to the improvement and ornament of the said town, and to the convenience of the inhabitants thereof, if the said piece or parcel of land was permanently added to the said street; *And whereas* the said James Steele is desirous of appropriating the said piece or parcel of land to the purposes above mentioned, upon receiving a certain other piece or parcel of land immediately adjoining to and in front of his dwelling-house, and particularly described by the letters A and C I in the said Plan or Diagram hereunto annexed, containing fifty-nine and a half feet in length, and fourteen feet in breadth, and which last piece or parcel of land is part of a certain tract of land originally set apart for the public uses of the said town by His Majesty's Commissioners for the Sale of Lands in this Island; *And whereas* the said purposes cannot be carried into effect without an Act of the Legislature of the said Islands: We, therefore, Your Majesty's most dutiful and loyal subjects, Sir CHARLES BRISBANE, Knight, Captain-General and Governor-in-Chief in and over your Majesty's Islands of St. Vincent, Bequia, and such other the Islands, commonly called the Grenadines, as lie to the northward of Carriacou, in America, and the Council and Assembly of the same, pray Your Most Excellent Majesty that it may be enacted and ordained, *And be it and it is hereby enacted and ordained* by the authority aforesaid, That all the said piece or parcel of land hereinbefore mentioned, and more particularly described in the Plan or Diagram hereunto annexed by the letters A and C I, shall

CL. I.
Vesting a certain piece or parcel of land in the Town-wardens, for the purpose of effecting

immediately after the publication of this Act be vested, and the same is hereby vested in James Wilson and William Winn, Townwardens of the town of Kingstown, and their successors for the time being, upon the trusts and to and for the ends, intents, and purposes hereinafter mentioned; that is to say, upon trust that they the said James Wilson and William Winn, or their successors in their said Office for the time being, shall stand seized and possessed of the said piece or parcel of land, until they shall have entered into and completed a contract for the sale and exchange of the said two pieces or parcels of land with the said James Steele; which contract they are hereby authorized, directed, and required to enter into and carry into effect; and immediately after such contract shall have been completed, then Upon trust, by all proper and necessary conveyances and assurances in the Law, to be by them or any two of them signed, sealed, delivered, and acknowledged, and which they or any two of them are hereby fully authorized, directed, and empowered to sign, seal, deliver, and acknowledge, to grant and convey the said piece or parcel of land, with all and singular the appurtenances, unto the said James Steele, his heirs and assigns, or unto such person or persons as he or they shall direct and appoint, to hold the same to his and their only use and behoof for ever.

That immediately after the said last-mentioned piece or parcel of land shall have been so granted and conveyed to the said James Steele, or to such person or persons as he shall direct or appoint, he the said James Steele is hereby directed and required to grant and convey unto the said James Wilson and William Winn, and to their successors in the said Office for the time being, by such conveyances and assurances as shall be advised by His Majesty's Counsel learned in the Law, which conveyances and assurances the said Townwardens are directed and required to accept; and take, on the part of the Public of these Islands, all the said piece or parcel of land, and which is more particularly described in the said Plan or Diagram hereunto annexed, to hold the same unto the said James Wilson and William Winn and their successors for the time being, to be by them immediately appropriated and to be for ever hereafter used as part of the public street, called Long Lane, in the said town of Kingstown, and shall be subject and liable to all the Laws and Statutes now in force for regulating or in anywise relating to the Police of the said town.

No. 13.

8th August, 1809.

Exchange with Mr. Steele for another piece or parcel of land.

Conveyances to be executed by the Townwardens, or any two of them.

CL. II.

Conveyances to be made by Mr. Steele;

And approved of by his Law Officers.

Land so received from Mr. Steele, for ever to form a part of the street called Long Lane.

No. 14.

An Act to provide for the Care of the Public Register of Marriages, Baptisms, and Burials, and to make the same a Public Record, and to settle the Fees payable to the Rector of St. George and St. Andrew.

[26th October, 1810.]

WHEREAS, by reason of no persons being Churchwardens of the above parishes, the Register has been kept by the Rector for the time being at his private dwelling-house, contrary to usage in such cases; for remedy whereof, We, Your Majesty's most dutiful and loyal subjects, ROBERT PAUL, Esquire, President of Your Majesty's Council and Commander-in-Chief in and over the Islands of St. Vincent, Bequia, and such other the Islands, commonly called the Grenadines, as lie to the northward of Carriacou, in America, and the Council and Assembly of the same, have enacted, *And be it and it is hereby enacted* by the authority aforesaid, That the Public Registry of Marriages, Baptisms, and Funerals be deemed and considered to every intent and purpose a Public Record, and the Registrar shall provide at the public expense two well-bound Books of strong paper, into which shall be copied, under the inspection of a Committee of the Legislature, as much of the foregoing Registers of Marriages, Baptisms, and Burials as can be recovered; and that one of the said Books shall be delivered to the Rector, and the other retained in the Registrar's Office, into which Books

Preamble.

CL. I.

Former Register deemed a Public Record.

And to be copied and lodged in the Registrar's Office.

18 *For a further Grant towards building a Church at Kingstown.*

No. 14.
26th October, 1810.

CL. II.

Certificate from such
Record to be good evi-
dence. [The fees to
be taken regulated by
Vestry Act.]

CL. III.

Committee for seeing
this Act carried into
effect. [Had its effect.]

CL. IV.

[Repealed.]

all Marriages, Christenings, and Burials shall be entered from time to time, by the Rector.

That a Certificate extracted from the foregoing Register, signed by the Rector and Registrar, shall be received in all Courts as sufficient evidence.

* * * * *

No. 15.

An Act to alter and amend an Act, entitled "An Act for repealing an Act entitled 'An Act for building Churches in different Districts of this Island and in the Island of Bequia, and for appointing certain Persons therein described to carry the same into effect;' and for building Churches in the several Parishes of the Island of St. Vincent, and in the Bequia, appointing Commissioners to carry the same into effect, and for Sale of certain Public Lands therein described; and to repeal so much of an Act, made in the seventh year of his present Majesty's Reign, entitled 'An Act for regulating the Vestries in this Island, empowering them to raise Taxes within their respective Parishes, and directing the application of the same,' as provides for the Maintenance of the Ministers, and erecting Churches and Chapels in the several Parishes." [11th May, 1818.]

Preamble.

Reciting the Second
Clause of former Act
for building churches
in the several parishes
of this Island and in
Bequia,

So far as it authorizes
the building a Church
for the use of the in-
habitants of the
parishes of St. George
and St. Andrew.

And appropriates a
sum not exceeding
20,000*l.* to that pur-
pose.

Report of Commission-
ers appointed to carry
the same into effect,
representing that sum
inadequate to the pur-
pose; and that a fur-
ther sum of 13,000*l.*
will be required.

WHEREAS by the Second Clause of an Act of the Legislature of these Islands, entitled "An Act for repealing an Act, entitled 'An Act for building Churches in different districts of this Island and in the Island of Bequia, and for appointing certain persons therein described to carry the same into effect;' and for building Churches in the several Parishes of the Island and in Bequia, appointing Commissioners to carry the same into effect, and for sale of public Lands therein described, and to repeal so much of an Act, made in the seventh year of His present Majesty's reign, entitled 'An Act for regulating Vestries in this Island, empowering them to raise Taxes, and directing the application of the same,' as provides for the maintenance of the Ministers, and erecting Churches and Chapels in the several Parishes,"—it is enacted, "That a decent and commodious Church shall be forthwith built on the land laid out and appropriated for that purpose near the town of Kingstown by His Majesty's Commissioners for the Sale and Disposal of Lands in the Ceded Islands; which Church, when built, should be for the use of the inhabitants of the parishes of St. George and St. Andrew; and that a sum, not exceeding Twenty Thousand Pounds current money, including the sum to be received from Government, should be paid out of the Treasury of these Islands to the Commissioners, by the Treasurer or his lawful Deputy, upon a warrant or warrants under the hand and seal of the Governor or Commander-in-Chief for the time being, in order to complete the said building." And whereas it appears, from the Report of the Commissioners appointed by the said Act for carrying the same into effect, made to the Council and Assembly, that the said sum of Twenty Thousand Pounds will be inadequate to the expense of building and completing the church so directed to be built for the parishes of St. George and St. Andrew as aforesaid, and that the further sum of Thirteen Thousand Pounds current money of these Islands will be required to complete the said building, with the said sum of Twenty Thousand Pounds, making together the sum of Thirty-three Thousand Pounds, like current money, to be appropriated to the building of the said

Church; We, therefore, Your Majesty's most dutiful and loyal subjects, Sir CHARLES BRISBANE, Knight Commander of the Most Honourable the Military Order of the Bath, Captain-General and Governor-in-Chief in and over the Island of St. Vincent and its Dependencies, and the Council and Assembly of the same, pray Your Most Excellent Majesty that it may be enacted, *And be it and it is hereby enacted* by the authority aforesaid, That a sum not exceeding Thirty-three Thousand Pounds current money of these Islands, including the said sum of Twenty Thousand Pounds, directed by the said recited clause of the said recited Act to be paid out of the Treasury of these Islands for the purpose aforesaid, and also the sum of money so appropriated by His Majesty as aforesaid, shall be paid out of the Treasury of these Islands to the Commissioners appointed by the said Act for superintending the building of the said Church, by the Treasurer or his lawful Deputy, upon a warrant or warrants under the hand and seal of the Governor or Commander-in-Chief for the time being, in order that the said sum of Thirty-three Thousand Pounds may be applied to the building and completing the said Church.

That if the estimates for building the several other churches directed to be built by the said recited Act, in which estimates allowances shall be made for enclosing the Burial-places attached to the said churches with proper walls or fences, shall exceed the sums respectively appropriated therein for building the same, the said Commissioners shall report the particulars thereof to the Council and Assembly, and that, upon application made by them in that behalf to the Governor or Commander-in-Chief for the time being, it shall and may be lawful for him to issue his warrant or warrants for the payment of such sum or sums of money as shall be respectively necessary for completing the said buildings, and the Treasurer or his lawful Deputy is hereby directed to pay the same accordingly.

* * * * *

No. 15.
11th May, 1818.

CL. I.
Enacting that a sum of 33,000*l.*, including the sum granted by former Act, and also certain money appropriated by His Majesty to that purpose, be applied to the building and completing the said church.

CL. II.
If the estimates for building the other churches, with enclosures, exceed the sums granted by former Act,

And application is made by the Council and Assembly in that behalf, Governor to grant warrants for payment of the sums necessary to complete the same.

CL. III.
Churches when built to be kept in repair by Commissioners.
[Repealed.]

No. 16.

An Act to confirm a certain Contract or Agreement made and entered into by and between the Reverend John Guilding, Rector of the Parish of St. George in the Island of St. Vincent, with the licence and consent of the Governor and Ordinary of the said Island, and the Commissioners appointed by an Act of the Legislature for building Churches, for the Purchase of the Glebe Land in the Town of Kingstown, for the purpose of enlarging and extending the Churchyard in the said Parish; and for vesting the said Land in certain persons therein named for the purpose aforesaid; and to settle an Annuity or annual Sum of Four Hundred Pounds Currency upon the said John Guilding and the Rector of the said Parish for the time being, in lieu of the said Glebe and of a Parsonage-house. [11th May, 1818.]

WHEREAS, by a Resolution of the House of Assembly, made and passed the fifth day of March now last past, it was resolved, "That the sum of Four Hundred Pounds currency per annum, together with Six Hundred and Sixty Pounds currency already granted to him, would be a fair and just compensation to the Reverend John Guilding and his successors, Rectors of the parish of St. George, for salary, parsonage, and for the surrender of the Glebe Land to the uses of the Public for extending the Churchyard in the town of Kingstown; and that the Commissioners for building the Church be authorized to make an offer of the said annual sum to the said John Guilding, and that, upon his accepting the same in writing, with the approbation of his Excellency the Governor, a Bill be immediately brought in to give effect to the contract." *And whereas*, in pursuance of the said

Preamble.
Reciting Resolution of the House of Assembly, of the 5th March last, that 400*l.* currency per annum would be sufficient compensation to the Rectors of the parish of St. George, for the Glebe Land, &c. And that the Commissioners for building the Church be authorized to offer the said sum to the Rev. John Guilding.

No. 16.
11th May, 1818.

In pursuance whereof he has accepted the same, subject to the approbation of His Excellency the Governor:

Which His Excellency has been pleased to confirm, by an instrument under his hand and the Great Seal of these Islands.

Expedient that this contract should be confirmed by an Act of the Legislature.

CL. I.

Enacting, therefore, that the agreement entered into between the Rev. John Guilding and the Commissioners, for the purchase of the Glebe Land, be confirmed accordingly.

CL. II.

Any Deed, &c., duly executed by Mr. Guilding, to be valid in law against any further claim, in behalf of himself or any other persons, to any part of the said land.

Such Deed to contain a covenant that the said land is free of any lease or other incumbrances whatsoever.

Resolution, the said Commissioners did, on or about the thirty-first day of March last, make a proposal to the said John Guilding, in the terms and according to the tenour and effect of the said recited Resolution, and the said John Guilding did, on the same day aforesaid, address an answer to the said Commissioners, signifying thereby his assent to and acceptance of the terms proposed for the surrender of the said Glebe Land, subject to the consent and approbation of His Excellency the Governor and Ordinary of the said Island: *And whereas* His Excellency Sir Charles Brisbane, Knight Commander of the Most Honourable Military Order of the Bath, Captain-General, Governor-in-Chief and Ordinary of these Islands, did, by a certain Instrument in Writing, under his hand and the Great Seal appointed for the said Islands, bearing date the second day of April in the present year, signify and declare his full licence and consent to the said contract; *And whereas* it is expedient that the said contract should be confirmed and established by an Act of the Legislature, and that the said Glebe Land should be vested in the Commissioners hereinafter named for the uses and purposes hereinafter declared, We, therefore, Your Majesty's most dutiful and loyal subjects, the said Sir CHARLES BRISBANE, Knight Commander of the Most Honourable Military Order of the Bath, and the Council and Assembly of the same, pray Your Most Excellent Majesty that it may be enacted and ordained, *And be it and it is hereby enacted and ordained* by the authority aforesaid, That the contract or agreement already entered into between the Reverend John Guilding, Rector of the Parish of St. George in the said Island, on behalf of himself and his successors, Rectors of the said parish, and the Commissioners appointed by an Act, entitled "An Act for repealing an Act, entitled " 'An Act for building Churches in different districts of this Island and in " 'the Island of Bequia, and for appointing certain persons, therein described, to carry the same into effect;' and for building churches in " several parishes in the Island of St. Vincent and in Bequia, appointing " Commissioners to carry the same into effect, and for sale of public lands " therein described, and to repeal so much of an Act made in the seventh " year of His present Majesty's reign, entitled 'An Act for regulating the " 'Vestries in this Island, empowering them to raise Taxes within their " 'respective Parishes, and directing the application of the same,' as provides for the maintenance of Ministers, and erecting Churches and Chapels " in the several Parishes;" for the sale and purchase of the Glebe Land, situate in or near to the town of Kingstown, for the purpose of enlarging and extending the Churchyard in the said town, in consideration of an annuity or annual sum of Four Hundred Pounds currency to be settled upon and paid to the Rector of the said parish for the time being, shall be and the same is hereby confirmed accordingly.

That any Deed or Deeds, Conveyance or Conveyances, Instrument or Instruments of Writing, or other assurances of the said land, made and executed under the advice of counsel learned in the law by the said John Guilding, or by the Rector of the said parish for the time being, to the Commissioners hereinafter named, shall be valid and effectual in the law to bar the said John Guilding and the Rector of the said parish for the time being, and all and every person or persons whatsoever, claiming under them or either of them, of and from all such right, title, interest, claim, or demand whatsoever as he the said John Guilding, as such Rector as aforesaid, now hath in himself or which he or the Rector of the said parish for the time being can, shall, or hereafter may have, claim, challenge, or demand of, in, to, or out of the said tract, piece, or parcel of land, and every part and parcel thereof; in which Deed or Deeds, Conveyance or Conveyances, Instrument or Instruments of Writing, or other assurances, shall be inserted the usual and necessary covenants for a good and complete title, and particularly that the said land, at the time of the execution thereof, is and stands freed and discharged of and from all such Lease or Leases, Demise or Demises, Acts, Deeds, Charges, and Incumbrances as shall or may have been heretofore made, done, committed, or executed by the said John Guilding, or by the Rector of the said parish for the time being, or by their predecessors, Rectors of the said parish.

That from and immediately after the execution of the said Deeds, Conveyances, Instruments of Writing, or other assurances, all that tract, piece, or parcel of Land, commonly known or distinguished as the Glebe Land, in the town of Kingstown, and adjoining the churchyard and burial-ground of the parish of St. George aforesaid, containing forty-seven thousand three hundred and sixty square feet, more or less, and butted and bounded as hereinafter mentioned, that is to say:—North-easterly by the Churchyard, South-easterly by the lands of the Honourable Robert Paul, South-westerly by Tyrrel's Street, and North-westerly by the new road of communication, as by the Plan or Diagram of the said land hereunto annexed will more fully appear, shall be vested in the Commissioners appointed by the before-recited Act, and shall be by them annexed to the Churchyard, and enclosed by a wall with gates corresponding with those intended to be erected round the Churchyard.

That the said Commissioners shall have, hold, and possess the said tract, piece, or parcel of land, for the purposes aforesaid, until the election of Churchwardens for the parish of St. George under the authority of and in the manner directed and provided by an Act of the Legislature, entitled "An Act for regulating Vestries in this Island, empowering them to raise "Taxes within their respective Parishes, and directing the application of "the same." And from and immediately after such election of Churchwardens for the said parish of St. George in manner aforesaid, the said tract, piece, or parcel of land shall be vested in the Rector and Churchwardens of the said parish for the time being and their successors for ever, to be by them appropriated and used as a Churchyard and Burial-ground for the inhabitants of the said parish.

That in consideration of the said John Guilding having, on behalf of himself and his successors, Rectors of the said parish of St. George, so contracted and agreed for the absolute sale and disposal of the said tract, piece, or parcel of land, in manner and for the purposes aforesaid, there shall be issued and paid by the Treasurer, or his lawful Deputy for the time being, or by the person or persons who shall or may, from time to time, exercise the office of Treasurer of these Islands, to the said John Guilding yearly and in every year, during the time he shall be Rector of the said parish, and to the Rector of the parish for the time being, one Annuity or sum of Four Hundred Pounds, as money is valued in these Islands, by four equal quarterly payments, at the four periods of the year hereinafter mentioned, that is to say,—on the twenty-fifth day of March, the twenty-fourth day of June, the twenty-ninth day of September, and the twenty-fifth day of December, in every year, the first payment thereof to begin and be made on such of the said days which shall happen next after the execution and acknowledgment of the said Deed or Deeds, Conveyance or Conveyances, Instrument or Instruments of Writing, or other assurances hereinbefore mentioned by the said John Guilding, or by the person who shall then be Rector of the said parish; and of which execution and acknowledgment the said John Guilding, or the Rector for the time being, shall, and he is hereby required to lodge a Certificate, under the hand of the Registrar of Deeds for the time being, with the Treasurer for the time being or his lawful Deputy: such Annuity or annual sum to be free and clear of all taxes, assessments, or deductions whatsoever, and to be paid and payable to the said Rector for the time being, by the Treasurer or his lawful Deputy, or by the person exercising the office and duty of Treasurer for the time being, out of the public funds or moneys in his hands, without further warrant or authority for the same; and the same shall be accepted and received, by the Rector of the said parish for the time being as a full compensation and consideration for the said Glebe Land, and all rents, produce, profits, and emoluments heretofore arising from the same, and for a Parsonage and Parsonage-house for the said Rector.

No. 16.
11th May, 1818.

CL. III.
On the execution of such Deed, the land to be vested in the Commissioners heretofore appointed.

And annexed to the Churchyard.

CL. IV.
Commissioners to hold the same until the appointment of Churchwardens as provided by the Vestry Act:

And immediately after the election of such Churchwardens, the land to be vested in them and the Rector for the time being as a Burial-ground for the Parish.

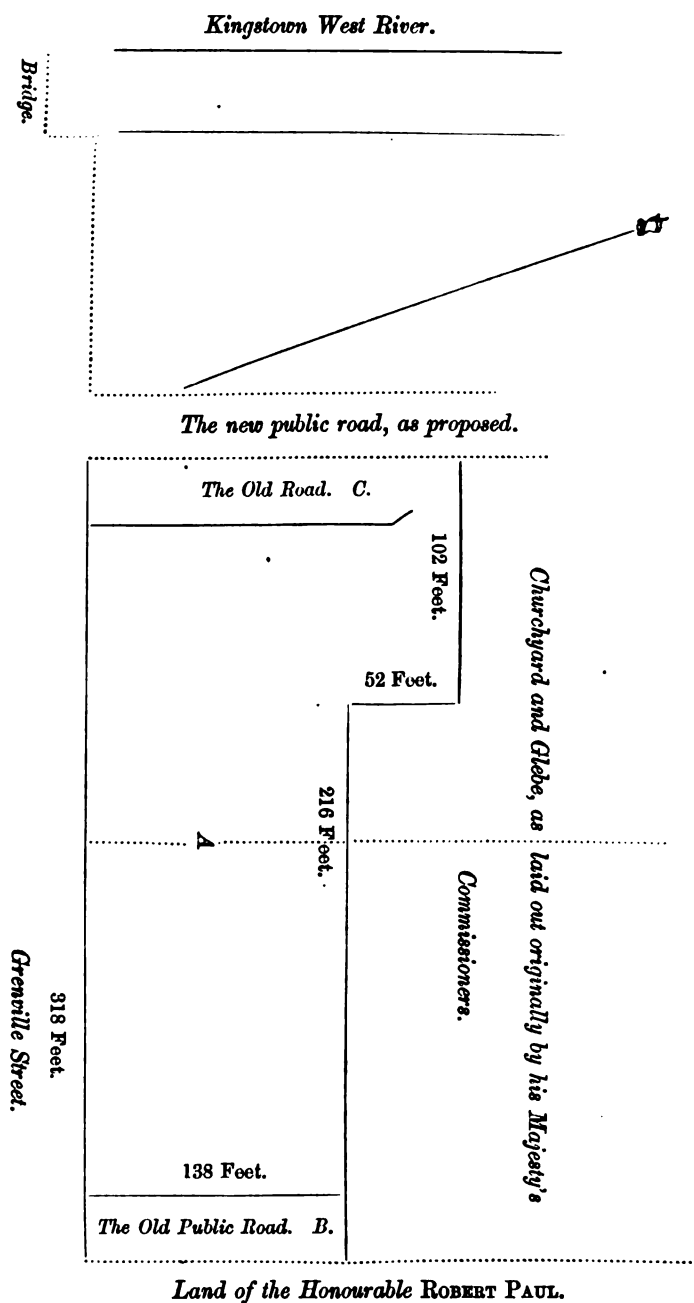
CL. V.
Rector, on executing a conveyance of the said Land, on behalf of himself and successors, to receive 400*l.* per annum, in four equal quarterly payments.

Certificate of the execution of such Conveyance to be lodged with the Treasurer.

Rector's Annuity free of all tax or deduction, and payable by the Treasurer without further warrant.

And accepted by the Rector for the time being as a full compensation for the Glebe Land, and a Parsonage-house.

No. 16.
11th May, 1818.



SAINT VINCENT.—The above Plan represents the Figure and Situation of a certain piece or parcel of land in Kingstown, in the parish of St. George and Island aforesaid, which land is now to be appropriated as an addition to the churchyard by an Act of the Legislature of said Island, and is of the following description, viz. :—*A*, containing forty-seven thousand three hundred and sixty square feet or thereabouts, in the possession of the Reverend John Guilding, being deemed by him as his Glebe; *B*, the old public road, being part of the original Glebe, as laid out by His Majesty's Commissioners for the Sale and Disposal of Crown Lands in the coded Islands; and *C*, being part of the old road of entrance to the church-

For vesting Spiritual and Ecclesiastical Jurisdiction in the Bishop. 23

yard; the whole being in the same form and manner as the above Diagram represents. Performed, April 27th, 1818, by order of the Legislature above-mentioned, by

JOSEPH BILLINGHURST,
Crown and Colony Surveyor.

No. 16.
11th May, 1813.

No. 17.

An Act for transcribing and copying the Grants and Diagrams in the Patent Office, and to make the same a Public Record.

[23rd March, 1820.]

WHEREAS many original Grants and Diagrams in the Patent Office are much mutilated and injured, and it is expedient that the whole should be fairly transcribed and copied into a book, We, Your Majesty's most dutiful and loyal subjects, Sir CHARLES BRISBANE, Knight Commander of the Most Honourable Military Order of the Bath, Captain-General and Commander-in-Chief in and over the Island of St. Vincent and its Dependencies, pray Your Most Excellent Majesty that it may be enacted, *And be it and it is hereby enacted* by the authority aforesaid, That there shall be provided a Book or Books, wherein all the Diagrams and Grants now remaining in the Patent Office shall be fairly transcribed and copied, and proper and convenient Indexes thereof formed, at the public expense; and when the same shall be completed, the Clerk of the Patents for the time being, and also the Committee hereinafter named, shall examine the same with the originals, and certify such examination, under their hands, at the end of each volume, when the same shall be deemed and become a Public Record.

That a Copy from such Books, certified as a True Copy by the Clerk of the Patents, shall be received as good evidence in all Courts and by all Judges in these Islands.

* * * * *

That the Fees of the Clerk of the Patents shall be as follows:—

	£	s.	d.
For every Search	0	1	9½
Copy of a Grant, each 90 words	0	0	8
Copy of a common Diagram	0	13	9
Copy of a complicated ditto	1	7	6
Certificate of any Paper	0	1	9½

Preamble.

CL. I.
Books to be provided for copying all Diagrams and Grants in Patent Office.

CL. II.
Such Books, when certified, good evidence.

CL. III.
Committee for carrying Act into effect. [Had its effect.]

CL. IV.
Fees of the Clerk of the Patents.

No. 18.

An Act for establishing Spiritual and Ecclesiastical Jurisdiction over the Clergy of this Island and its Dependencies.

[16th December, 1825.]

WHEREAS His Most Excellent Majesty hath been graciously pleased, by Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, to appoint a Bishop for the Island of Barbadoes and the Leeward Islands, within whose diocese and jurisdiction this Island and its Dependencies are specially included; *And whereas* it is expedient that the said Bishop and his successors should have and exercise Spiritual and Ecclesiastical Jurisdiction over the Clergy within his said diocese; We, therefore, Your Majesty's most dutiful and loyal subjects, the Captain-General and Governor-in-Chief in and over these Your Majesty's Islands of St. Vincent, Bequia, and such other the Islands, commonly called the Grenadines, as lie to the northward of Carriacou, in America, and the Council and Assembly of the same, pray Your Most Excellent Majesty that

Preamble.

24 *For vesting Spiritual and Ecclesiastical Jurisdiction in the Bishop.*

No. 18.
16th December, 1825.

CL. I.
Giving Spiritual and Ecclesiastical Jurisdiction over the Clergy of this Island to the Lord Bishop and his successors.

it may be enacted and ordained, *And be it and it is hereby enacted* by the authority aforesaid, That from and immediately after the publication of this Act, it shall and may be lawful for the Lord Bishop of Barbadoes and the Leeward Islands and his successors, during such time as these Islands shall be comprehended within or form part of the diocese of the said Bishop and his successors, to have and exercise Spiritual and Ecclesiastical Jurisdiction only over the Clergy established therein, whether such Clergy be beneficed or unbeneficed, having the cure of souls; and that it shall and may be lawful for the said Bishop and his successors to enforce such censures, sentences, and judgments as he or they shall, from time to time, pronounce or declare against the Clergy of these Islands, or any or either of them, according to the Laws Spiritual and Ecclesiastical now in force, or which may hereafter become in force, in that part of the United Kingdom of Great Britain and Ireland called England.

CL. II.
Laws of the Ecclesiastical Courts of England extended to this Colony; and Judges to be aiding in the enforcement thereof.

That all Laws, Ordinances, and Canons Ecclesiastical which are now in force in England, so far as the same relate to the due ordering and ecclesiastical regimen and jurisdiction over the Clergy therein, and all rules and regulations for carrying the same into effect, shall be accepted, deemed, and taken to be in full force and virtue within these Islands; and that the Judges of the Courts of Common Law in these Islands shall and may from time to time and at all times, be aiding and assisting in enforcing and carrying into execution such proceedings, processes, orders, sentences, adjudications, and decrees at any time to be made, pronounced, and issued, in respect of the Clergy therein, in the same manner to all intents and purposes as the Courts of Common Law within that part of the United Kingdom called England lawfully may or are authorized, empowered, and required to aid and assist the Ecclesiastical Courts in enforcing and carrying into execution the processes, proceedings, orders, sentences, adjudications, and decrees, against the Clergy alone, made, pronounced, and issued in the said last-mentioned Courts; any law, custom, or practice in these Islands to the contrary thereof notwithstanding.

CL. III.
Proceedings for trial of accused.

That for the better conviction or acquittal of such of the Clergy as may hereafter be accused in the Spiritual Courts of the Bishop of this diocese of offences punishable by the said Spiritual or Ecclesiastical Law, it shall and may be lawful for the said Bishop for the time being, his Commissary or Commissaries, to issue, under the hand and seal of office of the said Bishop, one or more summons or summonses, directed to any person or persons whomsoever, whether Clergymen or Laymen, to appear as witness or witnesses, to give his, her, or their testimony on oath (which the said Bishop for the time being or his Commissary or Commissaries, by him appointed or to be appointed, are hereby authorized and empowered to administer, either for or against the party accused); and also to grant protection or protections for any witness or witnesses so summoned, who may desire the same, in the same manner and with the same force and effect as can or may be legally granted by any of the Courts of Law and Equity in these Islands; and in case it shall appear to the said Bishop for the time being, his Commissary or Commissaries, that the person or persons so summoned neglected or refused to appear, without a just and reasonable excuse, to be approved and allowed by the said Bishop, his Commissary or Commissaries, or appearing, shall refuse to be sworn and give testimony, or shall swear falsely, then the said Bishop, his Commissary or Commissaries, shall, and he and they is and are authorized and empowered to proceed against every such witness so in contempt or who shall swear falsely, in the same manner as a Judge of any Court of Law or Equity may, might, or could legally proceed against such witness or witnesses, had such contempt or false swearing been committed in any of the said Courts; and such witness or witnesses shall, on conviction at a Court of Grand Sessions, be subject and liable to and shall suffer the like pains and penalties, fines and forfeitures as could or might be inflicted on him, her, or them in case such contempt or false swearing had been committed in any of the said Courts.

Persons neglecting to appear, or swearing falsely, punished.

That it shall and may be lawful for the said Bishop for the time being,

his Commissary or Commissaries, to have and exercise Spiritual and Ecclesiastical Jurisdiction over all and every the subordinate Officer and Officers under him in such proceedings against such accused Clergyman, in case of any malfeazance or misfeazance in their respective offices, according to the Spiritual and Ecclesiastical Laws now in force, or which may hereafter be in force, in that part of the United Kingdom called England.

That it shall and may be lawful for the said Bishop for the time being, either by himself or his Archdeacons, from time to time to visit the several churches, burying-grounds, parsonage-houses, glebe-lands, school-houses, and all other Ecclesiastical establishments, edifices, and property within these Islands, and to inquire and examine into the state and condition of the same, with full power and authority to recommend to the Commissioners for Superintending Public Buildings such repairs, additions, removals of monuments, and other improvements as may be deemed beneficial and necessary; which recommendation, testified under the hand of the said Bishop or Archdeacon for the time being, and an estimate of the costs of the same being first laid before and approved of by the House of Assembly, and concurred in by the Board of Council, the said Commissioners are hereby directed and required to carry into effect by public contract or otherwise as may be most conducive to the interest of the Public.

Provided always, That nothing in this Act contained shall extend, or be construed to extend, to lessen, impair, or take away any power, jurisdiction, or authority which the Ordinary of these Islands has or can by any ways and means whatsoever legally claim or exercise; but all such rights, privileges, and authorities are hereby saved and preserved, in like manner as if this Act had not been made. *Provided also*, That nothing in this Act contained shall prevent the Court of King's Bench from issuing any Writ or Writs of Prohibition in all usual and customary cases.

* * * * *

No. 18.
16th December, 1825.

CL. IV.
Bishop to exercise Spiritual and Ecclesiastical power over subordinate Officers.

CL. V.
To examine into the condition of churches and other Ecclesiastical establishments, for purpose of repairs, &c.

CL. VI.
Power of Ordinary not impaired by this Act.

CL. VII.
Repealing part of 16th clause of the Vestry Act. [Had its effect.]

No. 19.

An Act to amend an Act, entitled "An Act for enlarging the Town of Kingstown, &c., and for the Sale of certain Lots of Land within the said Town," and for the Appropriation of the Purchase-money.
[6th June, 1827.]

WHEREAS by the third and fourth clauses of an Act for enlarging the town of Kingstown, passed the tenth of September, one thousand eight hundred and three, the President of the Council, Speaker of the Assembly, Representatives for the town of Kingstown, and Townwardens for the time being, were appointed Commissioners, and were thereby authorized to reserve a sufficient space of the remainder of two lots of land for the Exercise of the Militia, and to divide the residue into eighteen lots, and sell the same in the manner therein particularly specified: *And whereas* the whole of the residue of the said land was not divided and sold according to the said directions, but a small piece of land between the western boundary of the said lots and the high road to Leeward was not included, which it is expedient should now be sold: We, Your Majesty's most dutiful and loyal subjects, Sir CHARLES BRISBANE, Knight Commander of the Most Honourable Military Order of the Bath, Captain-General and Governor-in-Chief in and over the Island of St. Vincent and its Dependencies, and the Council and Assembly of the same, pray Your Most Excellent Majesty that it may be enacted, *And be it and it is hereby enacted* by the authority aforesaid, That the President of the Council, the Speaker of the Assembly, the Representatives of the town of Kingstown, and the Townwardens for the time being, shall be and are hereby appointed Commissioners to divide the said piece of land between the western boundary of the lots in Bentinck

Preamble.

CL. I.
Appointing Commissioners to divide and sell certain Land adjoining Bentinck Place.

E

26 *Annexing Land to Charlotte Parish.—Erecting a Parsonage House.*

No. 19.
6th June, 1827.

CL. II.
Land at south end of
Slave Burial-ground to
be sold also.

Proviso.
That purchasers enter
into bond to enclose
the same.

CL. III.
Purchase-money to be
appropriated to enclos-
ing the Slave Burial-
ground.
[Had effect.]

CL. IV.
Application to be made
for consecration of
said Burial-ground.
[Had effect.]

Place, numbered from Number eight to Number eighteen inclusive, and the high road to Leeward into eleven lots, and to sell the same at public sale, according to the directions and with the same powers and authorities as are specified in the said Act; and upon the payment of the purchase-money, the actual rents now paid shall cease and determine.

That a piece of land at the south end of the Slave Burial-ground, where the same is one hundred and fifty-three feet wide and not exceeding eighty feet in depth, shall be divided into convenient lots and sold by the said Commissioners; also, a piece of land at the north end of the said burial-ground, now in the occupation of Nathaniel Bassnett Cropper, Esquire, shall likewise be sold by the said Commissioners, in the same manner as the lots hereinbefore mentioned: *Provided always*, That the purchasers of the two last-mentioned parcels of land shall respectively enter into a bond, with a sufficient penalty, to the said Commissioners conditioned for the erecting a good and substantial stone or brick wall, five feet high at the south and north boundaries of their lots adjoining the burying-ground, within six months from the date of such bond.

* * * * *

* * * * *

No. 20.

An Act for annexing to Charlotte Parish that Part of Land lying between the North Side of Owia River and Gagarawau Bay.

[5th March, 1829.]

Preamble

CL. I.
Lands between north
side of Owia and Ga-
garawau Bay annexed
to Charlotte parish.

WHEREAS by an Act passed in the year one thousand eight hundred and four, for annexing to Charlotte and St. David's parishes the lands formerly occupied by the Charibs that part of the land lying between the river on the north side of Owia and the river Wallibou was annexed to the parish of St. David: *And whereas* since that period part of the said land having been employed for the cultivation of sugar, and roads cut at the expense of the proprietor whereby an easy access by land is obtained to that part of the lands joined to Charlotte parish, so as to enable the free inhabitants and negroes to attend regularly Divine Worship and the meeting of the Militia: We, Your Majesty's most dutiful and loyal subjects, Rear-Admiral Sir CHARLES BRISBANE, Knight Commander of the Most Honourable Military Order of the Bath, Captain-General and Commander-in-Chief in and over the Island of St. Vincent, Bequia, and its Dependencies, and the Council and Assembly of the same, do declare and enact, *And be it and it is hereby enacted* by the authority aforesaid, That all that part of those lands lying between the river on the north side of Owia and Gagarawau Bay shall, from and after the passing of this Act, be annexed to and form a part of the parish of Charlotte.

No. 21.

An Act for empowering and appointing Commissioners to contract and agree for erecting a Parsonage House in Charlotte Parish.

[12th January, 1830.]

Preamble.

WHEREAS it has been deemed necessary that a Parsonage House should be erected at Grand Sable, in Charlotte parish, for the residence of the Rector for the time being of the said parish; We, therefore, Your Majesty's most

dutiful and loyal subjects, Sir WILLIAM JOHN STRUTH, Knight, President of the Council and Commander-in-Chief for the time being of the Island of St. Vincent and its Dependencies, and the Council and Assembly of the same, humbly pray your most Excellent Majesty that it may be enacted and ordained,

No. 21.
12th January, 1830.

* * * * *

CL. I.
[Had its effect.]

* * * * *

CL. II.
[Had its effect.]

That the Parsonage House, when executed and finished, shall be used and appropriated for the residence of the Rector or Minister for the time being of Charlotte parish, and for no other purpose whatever.

CL. III.
House to be appropriated for the residence of the Rector or Minister, for the time being.

No. 22.

An Act for the Relief of His Majesty's Roman Catholic Subjects in St. Vincent and its Dependencies. [4th June, 1830.]

WHEREAS it is expedient that the operation of the Act of the Imperial Parliament for the relief of Roman Catholics should be extended to this Island and its Dependencies; We, Your Majesty's most dutiful and loyal subjects, the President Commanding-in-Chief for the time being, and the Council and Assembly of the said Island of St. Vincent and its Dependencies, humbly pray Your Most Excellent Majesty that it may be enacted, *And be it and it is hereby enacted* by the authority aforesaid, That the Act of the Imperial Parliament passed in the tenth year of His Majesty's reign, entitled "An Act for the relief of his Majesty's Roman Catholic subjects," shall be extended to this Island and its Dependencies in full force and effect.

Preamble.

CL. I.
Act of the Imperial Parliament extended to this Island and its Dependencies.

That all such Acts, and such parts of Acts of this Island, as impose any restrictions or disabilities on Roman Catholic subjects shall be and the same are hereby totally repealed.

CL. II.
All Acts imposing disabilities repealed.

No. 23.

An Act to extend Parts of certain Acts of the Imperial Parliament to these Islands for the Administration of Criminal Justice. [9th December, 1830.]

*Amended by
Acts N^o 59-73-
113.*

WHEREAS great amendments and improvements have been made by the Imperial Parliament in the Administration of Criminal Justice by the repeal of numerous old statutes and the consolidation and amendment of others relating thereto, the advantages whereof ought to be extended to these Islands, so far as the same are applicable: We, Your Majesty's most loyal and dutiful subjects, the President Commanding-in-Chief in and over the Islands of St. Vincent, Bequia, and its Dependencies, and the Council and Assembly of the same, humbly pray Your Most Excellent Majesty that it may be enacted, *And be it and it is hereby enacted* by the authority aforesaid, That the thirty-second section of an Act passed in the seventh year of His late Majesty King George the Fourth, entitled "An Act for improving the Administration of Criminal Justice in England," and an Act passed in the seventh and eighth years of His late Majesty King George the Fourth, entitled "An Act for repealing various Statutes in England" relative to the benefit of Clergy and to Larceny, and other offences con-

Preamble.

CL. I.
Extending to this Island certain Acts of Parliament, for repeal of parts of Acts previously in force.

No. 23.
9th December, 1830.

"nected therewith, and to malicious injuries to property, and to remedies against the Hundred," and the first clause of an Act passed in the ninth year of His late Majesty King George the Fourth, entitled "An Act for consolidating and amending the Statutes in England relative to offences against the Person;" being severally clauses for the repeal of certain Acts and parts of Acts, shall be and the same are hereby extended to these Islands, and are declared to have full force and effect therein, for the purpose of repealing all such Acts and parts of Acts as were previously in force in these Islands.

CL. II.
Who may be admitted to bail on a charge of Felony, and who may not.

That where any person shall be taken on a charge of Felony, or suspicion of Felony, before one or more Justice or Justices of the Peace, and the charge shall be supported by positive and credible evidence of the fact, or by such evidence as, if not explained or contradicted, shall, in the opinion of the Justice or Justices, raise a strong presumption of the guilt of the person charged, such person shall be committed to prison by such Justice or Justices, in the manner hereinafter mentioned; but if there shall be only one Justice present, and the whole evidence given before him shall be such as neither to raise a strong presumption of guilt nor to warrant the dismissal of the charge, such Justice shall order the person charged to be detained in custody until he or she shall be taken before two Justices at least; and where any person so taken, or any person in the first instance taken before two Justices of the Peace, shall be charged with Felony, or on suspicion of Felony, and the evidence given in support of the charge shall, in their opinion, not be such as to raise a strong presumption of the guilt of the person charged, and to require his or her committal, or such evidence shall be adduced on behalf of the person charged as shall, in their opinion, weaken the presumption of his or her guilt, but there shall notwithstanding appear to them, in either of such cases, to be sufficient ground for judicial inquiry into his or her guilt, the person charged shall be admitted to bail by such two Justices in the manner hereinbefore mentioned: *Provided always*, That nothing herein contained shall be construed to require any such Justice or Justices to hear evidence on behalf of any person so charged as aforesaid, unless it shall appear to him or them to be meet and conducive to the ends of justice to hear the same.

Justices how to proceed.

Proviso.
Justices not required to hear evidence on behalf of person charged, unless conducive to ends of justice.

CL. III.
Before bail or commitment for Felony, Justices to take examinations in writing, and bind witnesses to appear at the trial.

That the two Justices of the Peace, before they shall admit to bail, and the Justice or Justices, before he or they shall commit to prison any person arrested for Felony or on suspicion of Felony, shall take the examination of such person, and the information upon oath of those who shall know the facts and circumstances of the case, and shall put the same or as much thereof as shall be material, into writing; and the two Justices shall certify such bailment in writing; and every such Justice shall have authority to bind by recognizance all such persons as know or declare anything material touching any such Felony or suspicion of Felony to appear at the next Court of Grand Sessions of the Peace at which the trial thereof is intended to be, then and there to prosecute and give evidence against the party accused; and such Justice and Justices respectively shall subscribe all such examinations, informations, bailments, and recognizances, and deliver or cause the same to be delivered to the Clerk of the Crown seven days before the opening of the Court.

Examinations, &c., to be delivered to the Clerk of the Crown.
[See Act of 1854.]

CL. IV.
Duties of Justices on charges of Misdemeanour.

That every Justice of the Peace before whom any person shall be taken on a charge of Misdemeanour, or suspicion thereof, shall take the examination of the person charged, and the information upon oath of those who shall know the facts and circumstances of the case, and shall put the same or as much thereof as shall be material into writing, before he shall commit to prison or require bail from the person so charged; and in every case of bailment shall certify the bailment in writing; and shall have authority to bind all persons by recognizance to appear and prosecute or give evidence against the party accused, in like manner as in cases of Felony, and shall subscribe all examinations, informations, bailments, and recognizances, and deliver or cause the same to be delivered to the Clerk of the Crown seven days before the opening of the Court.

Power to bind persons by recognizance.

That every Coroner, upon any Inquisition before him taken whereby

any person shall be indicted for Manslaughter or Murder or as an accessory to Murder before the fact, shall put in writing the evidence given to the Jury before him, or as much thereof as shall be material; and shall have authority to bind by recognizance all such persons as know or declare any thing material touching the said Manslaughter or Murder, or the said offence of being accessory to Murder, to appear at the next Court of Grand Sessions of the Peace at which the trial is to be, then and there to prosecute or give evidence against the party charged; and every such Coroner shall certify and subscribe the same evidence and all such recognizances, and also the inquisition before him taken, and shall deliver the same to the Clerk of the Crown seven days before the opening of the Court.

That if any Justice or Coroner shall offend in anything contrary to the true intent and meaning of these provisions, the Court to whose Officer any such examination, information, evidence, bailment, recognizance, or inquisition ought to have been delivered shall, upon examination and proof of the offence in a summary manner, set such fine upon every such Justice or Coroner as the Court shall think meet.

And in order to remove the difficulty of stating the names of all the owners of property, in the case of partners and other joint owners, That in any Indictment or Information for Felony or Misdemeanour, wherein it shall be requisite to state the ownership of any property whatsoever, whether real or personal, which shall belong to or be in the possession of more than one person, whether such persons be partners in trade, joint tenants, parceners, or tenants in common, it shall be sufficient to name one of such persons, and to state such property to belong to the person so named and another or others, as the case may be; and whenever in any Indictment or Information for any Felony or Misdemeanour it shall be necessary to mention, for any purpose whatsoever, any partners, joint tenants, parceners, or tenants in common, it shall be sufficient to describe them in the manner aforesaid; and this provision shall be construed to extend to all Joint Stock Companies and Trustees.

And for preventing abuses from dilatory pleas, That no Indictment or Information shall be abated by reason of any dilatory plea of Misnomer, or of want of addition, or of wrong addition of the party offering such plea, if the Court shall be satisfied, by affidavit or otherwise, of the truth of such plea; but in such case the Court shall forthwith cause the Indictment or Information to be amended according to the truth, and shall call upon such party to plead thereto, and shall proceed as if no such dilatory plea had been pleaded.

And that the punishment of offenders may be less frequently intercepted in consequence of technical niceties, no Judgment upon any Indictment or Information for any Felony or Misdemeanour, whether after verdict or outlawry, or by confession, default, or otherwise, shall be stayed or reversed for want of the averment of any matter unnecessary to be proved, nor for the omission of the words "as appears by the record," or of the words "with force and arms," or of the words "against the peace," nor for the insertion of the words "against the form of the Statute," instead of the words "against the form of the Statutes," or *vice versa*; nor for that any person or persons, mentioned in the Indictment or Information is or are designated by a name of office, or other descriptive appellation, instead of his, her, or their proper name or names; nor for omitting to state the time at which the offence was committed, in any case where time is not of the essence of the offence, nor for stating the time imperfectly; nor for stating the offence to have been committed on a day subsequent to the finding of the Indictment or exhibiting the Information, or an impossible day, or on a day that never happened; nor for want of a proper or perfect venue, where the Court shall appear by the Indictment or Information to have had jurisdiction over the offence.

That no Judgment after verdict upon any Indictment or Information for any Felony or Misdemeanour shall be stayed or reversed for want of a *similiter*, nor by reason that the Jury process has been awarded to a wrong Officer upon an insufficient suggestion, nor for any misnomer or

No. 23.
9th December, 1830.

CL. V.
Duty of Coroner.

Power to bind parties to appear and give evidence.

Evidence lodged with Clerk of the Crown.

CL. VI.
Penalties on Justices and Coroners.

CL. VII.
In Indictment for offences committed on the property of partners, it may be laid in any one partner by name, and others.

CL. VIII.
Indictment not to abate by dilatory plea of Misnomer, or of want of addition, &c.

CL. IX.
What defects shall not vitiate an Indictment after verdict, or otherwise.

CL. X.
What shall not be sufficient to stay or reverse Judgment after the verdict.

No. 23.
9th December, 1830.

misdescription of the Officer returning such process, or of any of the Jurors, nor because any person has served upon the Jury who has not been returned as a Juror by the Provost Marshal General or other Officer; and that where the offence charged has been created by any Statute, or subjected to a greater degree of punishment, or excluded from the benefit of Clergy by any Statute, the Indictment or Information shall, after verdict, be held sufficient to warrant the punishment prescribed by the Statute, if it describe the offence in the words of the Statute.

CL. XI.
A plea of "Not guilty"
sufficient for trial.

That if any person, being arraigned upon any indictment for Treason, Felony, or Piracy, shall plead thereto a plea of "Not Guilty," he shall, by such plea, without any further form, be deemed to have put himself upon the country for trial, and the Court shall, in the usual manner, order a Jury for the trial of such person accordingly: And if any person, being arraigned upon or charged with any Indictment or Information for Treason, Felony, Piracy, or Misdemeanour, shall stand mute of malice or will not answer directly to the Indictment or Information, in every such case it shall be lawful for the Court, if it shall so think fit, to order the proper Officer to enter a plea of "Not Guilty" on behalf of such person; and the plea, so entered, shall have the same force and effect as if such person had actually pleaded the same.

Standing mute, or refusing to answer, plea of "Not guilty" may be entered.

CL. XII.
Challenge of Jurymen
beyond legal number
void.

That if any person indicted for any Treason, Felony, or Piracy, shall challenge peremptorily a greater number of the men returned to be of the Jury than such person is entitled by law so to challenge in any of the said cases, every peremptory challenge beyond the number allowed by law in any of the said cases shall be entirely void, and the trial of such person shall proceed as if no such challenge had been made.

CL. XIII.
Attainder of another
crime not pleadable.

That no plea setting forth any attainder shall be pleaded in bar of any Indictment, unless the attainder be for the same offence as that charged in the Indictment.

CL. XIV.
Jury not to inquire
concerning lands, &c.

That where any person shall be indicted for Treason or Felony, the Jury empannelled to try such person shall not be charged to inquire concerning his lands, tenements, or goods, nor whether he fled for such Treason or Felony.

CL. XV.
Benefit of Clergy
abolished.

That Benefit of Clergy with respect to persons convicted of Felony shall be abolished; but that nothing herein contained shall prevent the joinder in any Indictment of any Court [*Counts*] which might have been joined before the passing of this Act.

CL. XVI.
What Felonies only
capital.

That no person convicted of Felony shall suffer death unless it be for some Felony which was excluded from the Benefit of Clergy before or on the day of the publication of this Act, or which hath been or shall be made punishable with death by some Statute passed after that day.

CL. XVII.
Felonies punishable
under other statutes;
or otherwise under
this Act.

That every person convicted of any Felony not punishable with death shall be punished in the manner prescribed by the Statute or Statutes specially relating to such Felony; and that every person convicted of any Felony for which no punishment hath been or hereafter may be specially provided, shall be deemed to be punishable under this Act, and shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of seven years, or to be imprisoned for any term not exceeding two years, and, if a male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such imprisonment.

CL. XVIII.
Person under sentence
for another crime,
convicted of Felony,
Court may pass a sen-
tence for subsequent
offence, after the ex-
piration of the first.

That whenever sentence shall be passed for Felony on a person already imprisoned under sentence for another crime, it shall be lawful for the Court to award imprisonment for the subsequent offence, to commence at the expiration of the imprisonment to which such person shall have been previously sentenced; and where such person shall be already under sentence, either of imprisonment or of transportation, the Court, if empowered to pass sentence of transportation, may award such sentence for the subsequent offence, to commence at the expiration of the imprisonment or transportation to which such person shall have been previously sentenced, although the aggregate term of imprisonment or transportation respectively may exceed the term for which either of those punishments could be otherwise awarded.

And whereas it is expedient to provide for the more exemplary punishment of offenders who commit Felony after a previous conviction for Felony, whether such conviction shall have taken place before or after the commencement of this Act, *Be it therefore enacted*, That if any person shall be convicted of any Felony not punishable with death, committed after a previous conviction for Felony, such person shall, on such subsequent conviction, be liable, at the discretion of the Court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years, and, if a male, to be once, twice, or thrice publicly or privately whipped (if the Court should so think fit), in addition to such imprisonment; and in an Indictment for any such Felony, committed after a previous conviction for Felony, it shall be sufficient to state that the offender was, at a certain time and place, convicted of Felony without otherwise describing the previous Felony; and a Certificate, containing the substance and effect only (omitting the formal part) of the Indictment and conviction for the previous Felony, purporting to be signed by the Clerk of the Crown, or other Officer having the custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk or Officer (for which Certificate a fee of Ten Shillings current money and no more shall be demanded or taken), shall, upon proof of the identity of the person of the offender, be sufficient evidence of the first conviction, without proof of the signature or official character of the person appearing to have signed the same.

That where The King's Majesty shall be pleased to extend His Royal Mercy to any offender convicted of any Felony punishable with death or otherwise, and by Warrant, under His Royal Sign Manual countersigned by one of his Principal Secretaries of State, shall grant to such offender either a free or conditional Pardon, the discharge of such offender out of custody in the case of a free Pardon, and the performance of the condition in the case of a conditional Pardon, shall have the effect of a Pardon under the Great Seal for such offender as to the Felony for which such Pardon shall be so granted: *Provided always*, That no free Pardon, nor any such discharge in consequence thereof, nor any conditional Pardon, nor the performance of the condition thereof, in any of the cases aforesaid, shall prevent or mitigate the punishment to which the offender might otherwise be lawfully sentenced on a subsequent conviction for any Felony committed after the granting of any such Pardon.

That it shall be lawful for The King's Majesty to extend His Royal Mercy to any person imprisoned by virtue of the Act, although he shall be imprisoned for nonpayment of money to some party other than the Crown.

And whereas it is expedient to prevent all doubts respecting the Civil rights of persons convicted of Felonies, not Capital, who have undergone the punishment to which they were adjudged; *Be it therefore enacted*, That where any offender hath been or shall be convicted of any Felony not punishable with death, and hath endured or shall endure the punishment to which such offender hath been or shall be adjudged for the same, the punishment so endured hath and shall have the like effects and consequences as a Pardon under the Great Seal as to the Felony whereof the offender was so convicted: *Provided always*, That nothing herein contained, nor the enduring such punishment, shall prevent or mitigate any punishment to which the offender might otherwise be lawfully sentenced on a subsequent conviction for any other Felony.

And whereas there are certain Misdemeanours which render the parties convicted thereof incompetent witnesses; and it is expedient to restore the competency of such parties after having undergone their punishment; *Be it therefore enacted*, That where any offender hath been or shall be convicted of any such Misdemeanour (except Perjury or Subornation of Perjury), and hath endured or shall endure the punishment to which such offender hath been or shall be adjudged for the same, such offender shall not, after the punishment so endured, be deemed to be, by reason of such Misdemeanour, an incompetent witness in any Court or proceeding, civil or criminal.

No 23.
9th December, 1830.

CL. XIX.
Felony committed after previous conviction.

Form of indictment for the subsequent felony; to state previous conviction generally.

CL. XX.
Effect of a free or conditional Pardon to a convict.

Proviso.
In cases of subsequent conviction.

CL. XXI.
Pardon for nonpayment of money.

CL. XXII.
Punishment for Felony to have the effect of a Pardon under the Great Seal.

CL. XXIII.
After punishment for Misdemeanour, offender competent witness in Courts.

No. 23.
9th December, 1830.

CL. XXIV.
Rule for the interpretation of all Criminal Statutes.

That wherever this or any other Statute relating to any offence, whether punishable upon Indictment or Summary Conviction, in describing or referring to the offence or the subject matter on or with respect to which it shall be committed, or the offender, or the party affected or intended to be affected by the offence, hath used or shall use words importing the singular number or the masculine gender only, yet the Statute shall be understood to include several matters as well as one matter, and several persons as well as one person, and females as well as males, and public bodies as well as individuals, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction; and wherever any forfeiture or penalty is payable to a party aggrieved, it shall be payable to a Public Body in every case where such Body shall be the party aggrieved.

CL. XXV.
Distinction between Grand and Petty Larceny abolished.

That the distinction between Grand Larceny and Petty Larceny shall be abolished, and every Larceny, whatever be the value of the property stolen, shall be deemed to be of the same nature and shall be subject to the same incidents in all respects as Grand Larceny was before the commencement of this Act; and every Court whose power as to the trial of Larceny was, before the commencement of this Act, limited to Petty Larceny, shall have power to try every case of Larceny the punishment of which cannot exceed the punishment hereinafter mentioned for Simple Larceny, and also to try all accessories to such Larceny.

CL. XXVI.
Punishment for Simple Larceny.

That every person convicted of Simple Larceny, or of any Felony hereby made punishable like Simple Larceny, shall (except in the cases hereinafter otherwise provided for) be liable, at the discretion of the Court, to be transported beyond the seas for the term of seven years, or to be imprisoned for any term not exceeding two years, and, if a male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such imprisonment.

CL. XXVII. & XXVIII.
[Repealed by Act, 20th Dec., 1847.]

* * * * *

CL. XXIX.
Sending letters containing menacing demands, or threatening accusation of crime.

That if any person shall knowingly send or deliver any letter or writing demanding of any person, with menaces and without any reasonable or probable cause, any chattel, money, or valuable security, or if any person shall accuse or threaten to accuse, or shall knowingly send or deliver any letter or writing, accusing or threatening to accuse any person of any crime punishable by law with death, transportation, or pillory, or of any assault with intent to commit any rape, or of any attempt to endeavour to commit any rape, or of any infamous crime as hereinafter defined, with a view or intent to extort or gain from such person any chattel, money, or valuable security, every such offender shall be guilty of Felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years, and, if a male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such imprisonment.

Punishment on conviction.

CL. XXX. to XXXIX.
[Repealed by Act, 20th Dec., 1847, No. 73.]

* * * * *

CL. XL.
[Repealed, by Summary Offences Act, 1844, No. 101.]

* * * * *

CL. XLI.
The stealing, &c., of Records and other Proceedings of Courts of Justice, a Misdemeanour.

That if any person shall steal, or shall, for any fraudulent purpose, take from its place of deposit for the time being, or from any person having the lawful custody thereof, or shall unlawfully and maliciously obliterate, injure, or destroy any Record, Writ, Return, Panel Process, Interrogatory, Deposition, Affidavit, Rule, Order, or Warrant of Attorney, or any original Document whatsoever, of or belonging to any Public Office or Court of Record, or relating to any matter, civil or criminal, begun, depending, or terminated in any such Court; or any Bill, Answer, Interrogatory, Deposition, Affidavit, Order, or Decree, or any original Document whatsoever, of or

belonging to any Court of Equity, or relating to any cause or matter begun, depending, or terminated in any such Court, every such offender shall be guilty of a Misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of seven years, or to suffer such other punishment, by fine or imprisonment, or by both, as the Court shall award; and it shall not, in any Indictment for such offence, be necessary to allege that the article in respect of which the offence is committed is the property of any person, or that the same is of any value.

That if any person shall, either during the life of the testator or testatrix, or after his or her death, steal, or for any fraudulent purpose destroy or conceal any Will, Codicil, or other Testamentary Instrument, whether the same shall relate to real or personal estate or to both, every such offender shall be guilty of a Misdemeanour, and, being convicted thereof, shall be liable to any of the punishments which the Court may award, as hereinbefore last mentioned; and it shall not, in any Indictment for such offence, be necessary to allege that such Will, Codicil, or other Instrument is the property of any person, or that the same is of any value.

And be it enacted by the authority aforesaid, That if any person shall steal any Paper or Parchment, written or printed, or partly written and partly printed, being evidence of the title or of any part of the title to any real estate, every such offender shall be deemed guilty of a Misdemeanour, and, being convicted thereof, shall be liable to any of the punishments which the Court may award, as thereinbefore last mentioned; and in any Indictment for such offence it shall be sufficient to allege the thing stolen to be evidence of the title or of part of the title of the person, or of some one of the persons, having a present interest, whether legal or equitable, in the real estate to which the same relates, and to mention such real estate or some part thereof, and it shall not be necessary to allege the thing stolen to be of any value.

Provided always, and be it enacted by the authority aforesaid, That nothing in this Act contained relating to either of the Misdemeanours aforesaid, nor any proceedings, conviction, or judgment to be had or taken thereupon, shall prevent, lessen, or impeach any remedy at Law or in Equity which any party aggrieved by any such offence might or would have had if this Act had not been passed; but nevertheless, the conviction of any such offender shall not be received in evidence in any action at Law or suit in Equity against him; and no person shall be liable to be convicted of either of the Misdemeanours aforesaid by any evidence whatever, in respect of any act done by him, if he shall, at any time previously to his being indicted for such offence, have disclosed such act on oath, in consequence of any compulsory process of any Court of Law or Equity, in any action, suit, or proceeding which shall have been *bona fide* instituted by any party aggrieved.

* * * * *

That if any person shall steal, or rip, cut, or break with intent to steal, any Glass or Wood Work belonging to any building whatsoever, or any Lead, Iron, Copper, Brass, or other Metal, or any Utensil or Fixture, whether made of Metal or other material, respectively fixed in or to any Building whatsoever, or anything made of Metal fixed in any land being private property, or for a fence to any dwelling-house, garden, or area, or in any square, street, or other place dedicated to public use or ornament, every such offender shall be guilty of Felony, and, being convicted thereof, shall be liable to be punished in the same manner as in the case of simple Larceny; and in case of any such thing fixed in any square, street, or other like place, it shall not be necessary to allege the same to be the property of any person.

And for the punishment of depredations committed by Clerks and Servants, in cases not punishable capitally, *Be it enacted*, That if any Clerk or Servant shall steal any chattel, money, or valuable security belonging to

No. 23.
9th December, 1830.

Punishment.

CL. XLII.
The stealing, &c., of
Wills, a Misdemean-
our.

Punishment.

CL. XLIII.
The stealing of Writ-
ings relative to real
estate, a Misdemean-
our.

Punishment.

Indictment for such
offence.

CL. XLIV.
Provisions as to Wills
and Writings shall not
lessen any remedy
which the aggrieved
now has.

CL. XLV.
[Repealed by Act of
20th Dec., 1847, No.
73.]

CL. XLVI.
Stealing Glass or Wood
Work or Fixtures of
any kind from build-
ings, and Metal fix-
tures from grounds,
Felony.

CL. XLVII.
Clerks or Servants
stealing property of
Master.

No. 23.
9th December, 1830.

Punishment.

CL. XLVIII.
Clerks or Servants receiving any money, and embezzling the same.

Punishment.

CL. XLIX.
Distinct act of Embezzlement may be charged in the same indictment.

CL. L.
Agents embezzling Money entrusted to them to be applied to any special purpose, guilty of a Misdemeanour.

Punishment.

CL. LI.
Not to affect Trustees or Mortgagees;

or in the possession or power of his Master, every such offender, being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for any term not exceeding fourteen years, nor less than seven years, or to be imprisoned for any term not exceeding three years, and, if a male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such imprisonment.

And for the punishment of Embezzlements committed by Clerks and Servants, *Be it enacted*, That if any Clerk of Servant, or any person employed for the purpose, or in the capacity of Clerk or Servant, shall, by virtue of such employment, receive or take into his possession any chattel, money, or valuable security, for or in the name or on the account of his Master, and shall fraudulently embezzle the same or any part thereof, every such offender shall be deemed to have feloniously stolen the same from his Master, although such chattel, money, or security was not received into the possession of such Master otherwise than by the actual possession of his Clerk, Servant, or other person so employed, and every such offender, being convicted thereof, shall be liable, at the discretion of the Court, to any of the punishments which the Court may award, as hereinbefore last mentioned.

And for preventing the difficulties that have been experienced in the prosecution of the last-mentioned offenders, *Be it enacted*, That it shall be lawful to charge in the Indictment and proceed against the offender for any number of distinct acts of Embezzlement not exceeding three which may have been committed by him against the same Master within the space of six calendar months from the first to the last of such acts; and in every such Indictment, except where the offence shall relate to any chattel, it shall be sufficient to allege the Embezzlement to be of Money, without specifying any particular coin or valuable security; and such allegation, so far as regards the description of the property, shall be sustained if the offender shall be proved to have embezzled any amount, although the particular species of coin or valuable security of which such amount was composed shall not be proved, or if he shall be proved to have embezzled any piece of coin or valuable security, or any portion of the value thereof, although such piece of coin or valuable security may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same, and such part shall have been returned accordingly.

And for the punishment of Embezzlements committed by Agents entrusted with property, *Be it enacted*, That if any money or security for the payment of money shall be entrusted to any Merchant, Attorney, or other Agent, with any direction in writing to apply such money or any part thereof, or the proceeds or any part of the proceeds of such security, for any purpose specified in such direction, and he shall, in violation of good faith and contrary to the purpose so specified, in anywise convert to his own use or benefit such money, security, or proceeds, or any part thereof respectively, every such offender shall be guilty of a Misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for any term not exceeding fourteen years, nor less than seven years, or to suffer such other punishment, by fine or imprisonment or by both, as the Court shall award; and if any chattel or valuable security shall be entrusted to any Merchant, Attorney, or other Agent, for safe custody or for any special purpose, without any authority to sell, negotiate, transfer, or pledge, and he shall, in violation of good faith, and contrary to the object or purpose for which such chattel or security shall have been entrusted to him, sell, negotiate, transfer, pledge, or in any manner convert to his own use or benefit such chattel or security, or the proceeds of the same, or any part thereof, every such offender shall be guilty of a Misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the Court, to any of the punishments which the Court may award, as hereinbefore last mentioned.

Provided always, That nothing hereinbefore contained relating to Agents shall affect any Trustee in or under any instrument whatever, or any Mortgagee of any property, real or personal, in respect of any act done

by such Trustee or Mortgagee in relation to the property comprised in or affected by any such trust or mortgage; nor shall restrain any merchant, attorney, or other agent, from receiving any money which shall be or become actually due and payable upon or by virtue of any valuable security, according to the tenour and effect thereof, in such manner as he might have done if this Act had not been passed; nor from selling, transferring, or otherwise disposing of any securities or effects in his possession upon which he shall have any lien, claim, or demand, entitling him by law so to do, unless such sale, transfer, or other disposal shall extend to a greater number or part of such securities or effects than shall be requisite for satisfying such lien, claim, or demand.

That if any Factor or Agent entrusted for the purpose of sale with any goods or merchandize, or entrusted with any bill of lading, warehouse-keeper's or wharfinger's certificate or warrant or order for delivery of goods or merchandize, shall, for his own benefit and in violation of good faith, deposit or pledge any such goods or merchandize, or any of the said documents, as a security for any money or negotiable instrument borrowed or received by such Factor or Agent at or before the time of making such deposit or pledge, or intended to be thereafter borrowed or received, every such offender shall be guilty of a Misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for any term not exceeding fourteen years, nor less than seven years, or to suffer such other punishment by fine or imprisonment, or by both, as the Court shall award; but no such Factor or Agent shall be liable to any prosecution for depositing or pledging any such goods or merchandize, or any of the said documents, in case the same shall not be made a security for or subject to the payment of any greater sum of money than the amount which, at the time of such deposit or pledge, was justly due and owing to such Factor or Agent from his principal, together with the amount of any bill or bills of exchange drawn by or on account of such principal, and accepted by such Factor or Agent.

Provided always, and be it enacted by the authority aforesaid, That nothing in this Act contained, nor any proceeding, conviction, or judgment to be had or taken thereupon, against any merchant, factor, attorney, or other Agent as aforesaid, shall prevent, lessen, or impeach any remedy at Law or in Equity which any party aggrieved by any such offence might or would have had if this Act had not been passed; but, nevertheless, the conviction of any such offender shall not be received in evidence in any action at Law or suit in Equity against him; and no merchant, factor, attorney, or other Agent as aforesaid shall be liable to be convicted by any evidence whatever as an offender against this Act in respect of any act done by him, if he shall, at any time previously to his being indicted for such offence, have disclosed such act, on oath, in consequence of any compulsory process of any Court of Law or Equity in any action, suit, or proceeding which shall have been *bonâ fide* instituted by any party aggrieved.

And whereas a failure of justice frequently arises from the subtle distinction between Larceny and Fraud; for remedy thereof, *Be it enacted*, That if any person shall, by any false pretence, obtain from any other person any chattel, money, or valuable security, with intent to cheat or defraud any person of the same, every such offender shall be guilty of a Misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of seven years, or to suffer such other punishment, by fine or imprisonment, or by both, as the Court shall award: *Provided always*, That if upon the trial of any person indicted for such Misdemeanour it shall be proved that he obtained the property in question in any such manner as to amount in law to Larceny, he shall not, by reason thereof, be entitled to be acquitted of such Misdemeanour, and no such Indictment shall be removable by *certiorari*; and no person tried for such Misdemeanour shall be liable to be afterwards prosecuted for Larceny upon the same facts.

No. 23.
9th December, 1830.

Nor restrain Merchants, &c., from receiving Money due on securities.

CL. LII.
Factors pledging for their own use any goods, or documents relating to goods, entrusted to them, guilty of a Misdemeanour.

Not to extend to cases where the pledge does not exceed the amount of their lien.

CL. LIII.
Proceedings against Agents not to lessen any remedy which the party aggrieved now has.

CL. LIV.
Obtaining money, &c., by false pretences, a Misdemeanour.

Proviso.
Indictment for Misdemeanour good, though Larceny proved.

No. 23.
9th December, 1830.

CL. LV.
Where the original offence is Felony, the Receivers of Stolen Property may be tried either as accessories after the fact, or for a substantive Felony.

Punishment.

CL. LVI.
Where the original offence is a Misdemeanour, receivers may be prosecuted for a Misdemeanour.

Punishment.

CL. LVII.
The owner of Stolen Property prosecuting thief or receiver to conviction shall have restitution of his property.

Proviso in cases where securities have been paid previous to award.

CL. LVIII.
Taking a reward for helping to the recovery of Stolen Property without bringing the offender to trial.

CL. LIX.
Advertising a reward for the return of Stolen Property, &c.

*And, with regard to receivers of stolen property, Be it enacted, That if any person shall receive any chattel, money, valuable security, or other property whatsoever, the stealing or taking whereof shall amount to a Felony, either at common law or by virtue of this Act, such person knowing the same to have been feloniously stolen or taken, every such Receiver shall be guilty of Felony, and may be indicted and convicted either as an accessory after the fact, or for a substantive Felony, and in the latter case, whether the principal Felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice; and every such Receiver, howsoever convicted, shall be liable, at the discretion of the Court, to be transported beyond the seas for any term not exceeding fourteen years, nor less than seven years, or to be imprisoned for any term not exceeding three years, and, if a male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such imprisonment: *Provided always*, That no person, howsoever tried for receiving as aforesaid, shall be liable to be prosecuted a second time for the same offence.*

That if any person shall receive any chattel, money, valuable security, or other property whatsoever, the stealing, taking, obtaining, or converting whereof is made an indictable Misdemeanour by this Act, such person knowing the same to have been unlawfully stolen, taken, obtained, or converted, every such Receiver shall be guilty of a Misdemeanour, and may be indicted and convicted thereof, whether the person guilty of the principal Misdemeanour shall or shall not have been previously convicted thereof, or shall or shall not be amenable to justice; and every such Receiver shall, on conviction, be liable, at the discretion of the Court, to be transported beyond the seas for the term of seven years, or to be imprisoned for any term not exceeding two years, and, if a Male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such imprisonment.

*And, to encourage the prosecution of offenders, Be it enacted, That if any person, guilty of any such Felony or Misdemeanour as aforesaid in stealing, taking, obtaining, or converting, or in knowingly receiving any chattel, money, valuable security, or other property whatsoever, shall be indicted for any such offence by or on behalf of the owner of the property, or his executor or administrator, and convicted thereof, in such case the property shall be restored to the owner or his representative; and the Court before whom any such person shall be so convicted shall have power to award, from time to time, writs of restitution for the said property, or to order the restitution thereof in a summary manner: *Provided always*, That if it shall appear, before any award or order made, that any valuable security shall have been *bonâ fine* paid or discharged by some person liable to the payment thereof, or being a negotiable instrument shall have been *bonâ fide* taken or received by transfer or delivery, by some person for a just and valuable consideration, without any notice or without any reasonable cause to suspect that the same had by any Felony or Misdemeanour been stolen, taken, obtained, or converted as aforesaid, in such case the Court shall not award or order the restitution of such security.*

That every person who shall corruptly take any money or reward, directly or indirectly, under pretence or upon account of helping any person to any chattel, money, valuable security, or other property whatsoever, which shall by any Felony or Misdemeanour have been stolen, taken, obtained, or converted as aforesaid, shall (unless he cause the offender to be apprehended and brought to trial for the same) be guilty of Felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years, and, if a male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such imprisonment.

That if any person shall publicly advertise a reward for the return of any property whatsoever which shall have been stolen or lost, and shall in such advertisement use any words purporting that no questions will be

No. 23.
9th December, 1830.

asked or shall make use of any words in any public advertisement; purporting that a reward will be given or paid for any property which shall have been stolen or lost, without seizing or making any inquiry after the person producing such property; or shall promise or offer in any such public advertisement to return to any person who may have bought, or advanced money by way of loan upon any property stolen or lost the money so paid or advanced, or any other sum of money or reward for the return of such property; or if any person shall print or publish any such advertisement; in any of the above cases every such person shall forfeit the sum of Fifty Pounds current money for every such offence to any person who will sue for the same by action of debt, to be recovered with full costs of suit.

* * * * *

fence is punishable by Summary Conviction. [Repealed by Summary Offences Act, 1854.]

And, for the more effectual prosecution of Accessories before the fact to Felony, *Be it enacted*, That if any person shall counsel, procure, or command any other person to commit any Felony, whether the same be a Felony at Common Law or by virtue of any Statute or Statutes made or to be made, the person so counselling, procuring, or commanding shall be deemed guilty of Felony, and may be indicted and convicted, either as an Accessory before the fact to the principal Felony, together with the principal Felon, or after the conviction of the principal Felon; or may be indicted and convicted of a substantive Felony, whether the principal Felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice, and may be punished in the same manner as an accessory before the fact to the same Felony, if convicted as an Accessory may be punished: *Provided always*, That no person who shall be once duly tried for any such offence, whether as an Accessory before the fact or as for a substantive Felony, shall be liable to be again indicted or tried for the same offence.

And, for the more effectual prosecution of Accessories after the fact of Felony, *Be it enacted*, That if any person shall become an Accessory after the fact to any Felony, whether the same be a Felony at Common Law or by virtue of any Statute or Statutes made or to be made, the offence of such person may be inquired of, tried, determined, and punished by any Court which shall have jurisdiction to try the principal Felon, in the same manner as if the act, by reason whereof such person shall have become an Accessory, had been committed at the same place as the principal Felony: *Provided always*, That no person who shall be once duly tried for any offence of being an Accessory, shall be liable to be again indicted or tried for the same offence.

And, in order that all Accessories may be convicted and punished in cases where the principal Felon is not attainted, *Be it enacted*, That if any principal offender shall be in anywise convicted of any Felony, it shall be lawful to proceed against any Accessory, either before or after the fact, in the same manner as if such principal Felon had been attainted thereof, notwithstanding such principal Felon shall die or be pardoned, or otherwise delivered before attainder; and every such Accessory shall suffer the same punishment, if he or she be in anywise convicted, as he or she should have suffered if the principal had been attainted.

That in the case of every Felon punishable under this Act, every principal in the second degree and every Accessory before the fact shall be punishable with death or otherwise, in the same manner as the principal in the first degree is by this Act punishable; and every Accessory after the fact to any Felony punishable under this Act (except Murder and Receivers of Stolen Property) shall, on conviction, be liable to be imprisoned for any term not exceeding two years; and every person who shall aid, abet, counsel, or procure the commission of any Misdemeanour punishable under this Act shall be liable to be indicted and punished as a principal offender.

* * * * *

in the commission of offences. [Repealed by Summary Procedure Act, 1854, No. 1014.]

CL. LX.
Receivers of Property where the original of-
fences Act, 1854.]

CL. LXI.
Accessories before the fact may be tried as such, or for a substantive Felony.
[See Act, 13th Aug., 1850, No. 79.]

CL. LXII.
Accessory after the fact may be tried by any Court which has jurisdiction to try the principal Felon.
[See note to preceding Clause.]

CL. LXIII.
Accessories may be prosecuted after the conviction of the principal, though the principal be not attainted.

CL. LXIV.
Principals in the second degree and Accessories.

Abettors in Misdemeanours.

CL. LXV.
Persons aiding, &c.,

No. 23.
9th December, 1830.

CL. LXVI.
Setting fire to a Church, &c., chapel, house, or other buildings, Felony. [Repealed by Act, 20th Dec., 1807, No. 73.]

CL. LXVII.
Destroying Machines.

That if any person shall unlawfully and maliciously cut, break, or destroy, or damage with intent to destroy or to render useless any Machine or Engine, whether fixed or movable, prepared for or employed in any manufacture whatsoever, every such offender shall be guilty of Felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of seven years, or to be imprisoned for any term not exceeding two years, and, if a male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such imprisonment.

Punishment.

CL. LXVIII.
Rioters demolishing, &c., a Church, chapel, house, or other buildings, or any Machinery in any manufactory, Felony. [Repealed by Act, 29th Aug., 1855, No. 113.]

CL. LXIX.
Setting fire to or destroying a Ship. [Repealed by Act, 20th Dec., 1847, No. 73.]

CL. LXX.
Damaging a Ship otherwise than by fire.

That if any person shall unlawfully and maliciously damage, otherwise than by fire, any ship or vessel, whether complete or in an unfinished state, with intent to destroy the same, or to render the same useless, every such offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas, for the term of seven years, or to be imprisoned for any term not exceeding two years, and, if a male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such imprisonment.

Felony.

Punishment.

CL. LXXI.
Exhibiting false signals to a Ship, &c., destroying a shipwrecked vessel, or cargo, &c., a Felony. [Repealed by Act, 20th Dec., 1847, No. 73.]

CL. LXXII.
Injury to a Public Bridge.

That if any person shall unlawfully and maliciously pull down, or in anywise destroy any Public Bridge, or do any injury with intent, and so as thereby to render such bridge or any part thereof dangerous or impassable, every such offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years, and, if a male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such imprisonment.

Felony.

CL. LXXIII.
Killing or maiming Cattle, a Felony. [Repealed by Act, 20th Dec., 1847, No. 73.]

CL. LXXIV.
Stealing, destroying, or damaging Trees, shrubs, &c., of any value above 1s., punishable on summary conviction. [This and subsequent Cl. LXXV. repealed by Summary Procedure Act, 1854, No. 101.]

CL. LXXVI.
Malice against the owner not essential.

That every punishment and forfeiture by this Act imposed on any person maliciously committing any injury to property, whether the same be punishable upon indictment or upon summary conviction, shall equally apply and be enforced, whether the offence shall be committed from malice conceived against the owner of the property, in respect of which it shall be committed or otherwise.

CL. LXXVII.
Petit Treason to be treated in all respects as Murder.

That every offence which before the commencement of this Act would have amounted to Petit Treason shall be deemed to be Murder only, and no greater offence; and all persons guilty in respect thereof, whether as principals or as accessories, shall be dealt with, indicted, tried, and punished as principals and accessories in Murder.

That every person convicted of Murder, or of being an accessory before the fact to Murder, shall suffer death as a Felon; and every accessory after the fact to Murder shall be liable, at the discretion of the Court, to be transported beyond the seas for life, or to be imprisoned, with or without hard labour, in the Common Gaol or Cage for any term not exceeding four years.

That every person convicted of Murder shall be executed according to law on the next day next but one after that on which the sentence shall be passed, unless the same shall happen to be Sunday, and in that case on the Monday following; and the body of every Murderer shall, after execution, either be dissected or hung in chains, as to the Court shall seem meet; and sentence shall be pronounced immediately after the conviction of every Murderer, unless the Court shall see reasonable cause for postponing the same, and such sentence shall express not only the usual judgment of death, but also the time hereby appointed for the execution thereof, and that the body of the offender shall be dissected or hung in chains, whichever of the two the Court shall order: *Provided always*, That after such sentence shall have been pronounced, it shall be lawful for the Court or Judge to stay the execution thereof, if such Court or Judge shall so think fit.

And be it enacted by the authority aforesaid, That every person convicted of Murder shall, after judgment, be confined in some safe place within the prison apart from all other prisoners, and shall be fed with bread and water: only, and with no other food or liquor, except in case of receiving the Sacrament, or in case of any sickness or wound, in which case the Surgeon of the prison may order other necessaries to be administered; and no person but the Provost Marshal General and his servants, and the Chaplain and Surgeon of the prison, shall have access to any such convict, without the permission in writing of the Court or Judge before whom such convict shall have been tried, or of the Provost Marshal General or his Deputy: *Provided always*, That in case the Court or Judge shall think fit to respite the execution of such convict, such Court or Judge may by a licence in writing relax, during the period of the respite, all or any of the restraints or regulations hereinbefore directed to be observed.

That where any person being feloniously stricken, poisoned, or otherwise hurt upon the sea, or at any place out of this Government, shall die of such stroke, poison, or hurt in this Government; or being feloniously stricken, poisoned, or hurt at any place within this Government, shall die of such stroke, poison, or hurt upon the sea, or at any place out of this Government, every offence committed in respect of any such case, whether the same shall amount to the offence of Murder or of Manslaughter, or of being accessory before the fact to Murder, or after the fact to Murder or Manslaughter, may be dealt with, inquired of, tried, determined, and punished in this Government, in which such death, stroke, poisoning, or hurt shall happen, in the same manner in all respects as if such offence had been wholly committed in this Government.

That every person convicted of Manslaughter shall be liable, at the discretion of the Court, to be transported beyond the seas for life, or for any term of not less than seven years, or to be imprisoned, with or without hard labour, in the Common Gaol or Cage for any term not exceeding four years, or pay such fine as the Court shall award.

That no punishment or forfeiture shall be incurred by any person who shall kill another by misfortune, or in his own defence, or in any other manner without Felony.

* * * * *

That if any Woman shall be delivered of a child, and shall, by secret burying or otherwise disposing of the dead body of the said child, endeavour to conceal the Birth thereof, every such offender shall be guilty of a Misdemeanour, and, being convicted thereof, shall be liable to be imprisoned, with or without hard labour, in the common gaol or cage, for any term not exceeding two years; and it shall not be necessary to prove whether the

No. 23.
9th December, 1830.

CL. LXXVIII.
Punishment of principals and accessories in Murder.

CL. LXXIX.
Period of Execution and marks of infamy.

Sentence to be pronounced immediately after Conviction.

Power to Respite.

CL. LXXX.
Prison regulations as to Murderers under sentence.

CL. LXXXI.
Provision for the trial of Murder and Manslaughter where the death, or the cause of death only, happens within this Government.

CL. LXXXII.
Punishment of Manslaughter.

CL. LXXXIII.
Excusable and justifiable Homicide.

CL. LXXXIV. to LXXXVI.
[Repealed by Act, 11th April, 1844, No. 59.]

CL. LXXXVII.
A woman Concealing the Birth of her child.

No. 23.
9th December, 1830.

child died before, at, or after its birth: *Provided always*, That if any woman, tried for the Murder of her child shall be acquitted thereof it shall be lawful for the Jury by whose verdict she shall be acquitted to find, in case it shall so appear in evidence, that she was delivered of a child, and that she did, by secret burying or otherwise disposing of the dead body of such child, endeavour to conceal the birth thereof, and thereupon the Court may pass such sentence as if she had been convicted upon an indictment for the concealment of the birth.

CL. LXXXVIII.
Buggery, a Felony,
punishable with
death.

That every person convicted of the abominable crime of Buggery, committed either with mankind or with any animal, shall suffer death as a Felon.

CL. LXXXIX.
[The punishment of
death for Rape, and
for Carnally Abusing a Girl under the age of ten, under Cl. XV., repealed by Act, 11th April, 1844, No. 59.]

CL. XC.
Carnally knowing and
abusing, &c.

And if any person shall unlawfully and carnally know and abuse any Girl, being above the age of ten years and under the age of twelve years, every such offender shall be guilty of a Misdemeanour, and, being convicted thereof, shall be liable to be imprisoned, with or without hard labour, in the Common Gaol or Cage, for such term as the Court shall award.

CL. XCI.
What is necessary to
constitute Rape, &c.

And whereas, upon the trials for the crimes of Buggery and Rape, and of Carnally Abusing girls under the respective ages hereinbefore mentioned, offenders frequently escape by reason of the difficulty of the proof which has been required of the completion of those several crimes: for remedy thereof, *Be it enacted*, That it shall not be necessary, in any of those cases, to prove the actual *emissio seminis* in order to constitute a carnal knowledge, but that the carnal knowledge shall be deemed complete upon proof of penetration only.

CL. XCII.
Abducting a Woman
on account of her for-
tune with intent to
marry or defile her.

That where any Woman shall have any interest, whether legal or equitable, present or future, absolute, conditional, or contingent, in any real or personal estate, or shall be an heiress presumptive or next of kin to any one having such interest, if any person shall, from motives of lucre, take away or detain such woman against her will, with intent to marry or defile her, or to cause her to be married or defiled by any other person, every such offender, and every person counselling, aiding, or abetting such offender, shall be guilty of Felony, and, being convicted thereof, shall be liable to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned, with or without hard labour, in the Common Gaol or Cage, for any term not exceeding four years.

CL. XCIII.
Unlawful Abduction
of any Girl under the
age of sixteen.

That if any person shall unlawfully take or cause to be taken, any unmarried Girl, being under the age of sixteen years, out of the possession and against the will of her father or mother, or of any other person having the lawful care or charge of her, every such offender shall be guilty of a Misdemeanour, and, being convicted thereof, shall be liable to suffer such punishment, by fine or imprisonment, or by both, as the Court shall award.

CL. XCIV.
Enticing away any
Child under the age
of ten years with in-
tent to steal, &c.

That if any person shall maliciously, either by force or fraud, lead or take away, or decoy, or entice away, or detain any Child under the age of ten years, with intent to deprive the parent or parents, or any other person having the lawful care or charge of such Child, of the possession of such Child, or with intent to steal any article upon or about the person of such Child, to whomsoever such article may belong; or if any person shall, with any such intent as aforesaid, receive or harbour any such Child, knowing the same to have been, by force or fraud, led, taken, decoyed, enticed away, or detained as hereinbefore mentioned; every such offender, and every person counselling, aiding, or abetting such offender, shall be guilty of Felony, and, being convicted thereof, shall be liable to be transported beyond the seas for the term of seven years, or to be imprisoned, with or without hard labour, in the common gaol or cage, for any term not exceeding two years, and, if a male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such imprisonment: *Provided always*, That no person who shall have claimed

to be the Father of an Illegitimate Child, or to have any right to the possession of such Child, shall be liable to be prosecuted by virtue hereof on account of his getting possession of such Child, or taking such Child out of the possession of the Mother or any other person having the lawful charge thereof.

That if any person, being married, shall marry any other person during the life of the former husband or wife, whether the second marriage shall have taken place within this Government or elsewhere, every such offender, and every person counselling, aiding, or abetting such offender, shall be guilty of Felony, and, being convicted thereof, shall be liable to be transported beyond the seas for the term of seven years, or to be imprisoned with or without hard labour in the common gaol or cage for any term not exceeding two years: *Provided always*, That nothing herein contained shall extend to any second marriage contracted out of this Government by any other than a subject of His Majesty; or to any person marrying a second time whose husband or wife shall have been continually absent from such person for the space of seven years then last past, and shall not have been known by such person to be living within that time; or shall extend to any person who at the time of such second marriage shall have been divorced from the bond of the first marriage, or to any person whose former marriage shall have been declared void by the sentence of any Court of competent jurisdiction.

That where any person shall be charged with and convicted of any of the following offences as Misdemeanours, that is to say, of any assault with intent to commit Felony; of any Assault upon any Peace Officer or Revenue Officer in the due execution of his duty, or upon any person acting in aid of such Officer; or of any assault upon any person with intent to resist or prevent the lawful apprehension or detainer of the party so assaulting, or of any other person for any offence for which he or they may be liable by law to be apprehended or detained; in any such case the Court may sentence the offender to be imprisoned with or without hard labour in the common gaol or cage for any term not exceeding two years, and may also (if it shall so think fit) fine the offender and require him to find sureties for keeping the peace.

* * * * *

No. 23.
9th December, 1830.

CL. XCV.
Bigamy.

Proviso.
Second Marriage allowed in certain cases.

CL. XCVI.
Assault with intent to commit Felony, and other cases.

CLAUSES XCVII. and XCVIII.
[Repealed by Summary Procedure Act, 1854, No. 101.]

CL. XCIX.
Court may order Offender to be imprisoned, with or without Hard Labour.
[See Cl. 28 of Act, 20th Dec. 1847, No. 73.]

CL. C.
A person in the act of committing any offence may be apprehended without a Warrant.

And with regard to the place and mode of imprisonment for all offences punishable under this Act, *Be it enacted*, That where any person shall be convicted of any offence punishable under this Act for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour in the common gaol or cage, and also to direct that the offender shall be kept in solitary confinement for the whole or any portion or portions of such imprisonment, or of such imprisonment with hard labour, as to the Court in its discretion shall seem meet.

And for the more effectual apprehension and discovery of all offenders punishable under this Act, *Be it enacted*, That any person found committing any offence punishable, either upon indictment or upon summary conviction, by virtue of this Act, may be immediately apprehended without a Warrant by any Peace Officer; or by the owner of the property on or with respect to which the offence shall be committed, or by his servant or any person authorized by him; and forthwith taken before some neighbouring Justice of the Peace, to be dealt with according to law: and if any credible witness shall prove upon oath before a Justice of the Peace a reasonable cause to suspect that any person has in his possession, or on his premises, any property whatsoever on or with respect to which any such offence shall have been committed, the Justice may grant a Warrant to search for such property, as in the case of stolen goods; and any person to whom any property shall

No. 23.
9th December, 1830.

Persons to whom
Stolen Property is
offered authorized to
seize the party offering
it.

be offered to be sold, pawned, or delivered, if he shall have reasonable cause to suspect that any such offence has been committed on or with respect to such property, is hereby authorized, and if in his power is required, to apprehend and forthwith to carry before a Justice of the Peace the party offering the same, together with such property, to be dealt with according to law.

CL. CI
[Repealed by Summary Procedure Act, 1854, No. 101.]

CL. CVIII. to CX.
Repealed by the Act against Summary Convictions, 1857, No. 133.]

CL. CXI.
[See Magistrates' Protection Act, 1853, No. 97.]

CL. CXII.
[Had its effect.]

No. 24.

An Act for the Purchase of certain Premises in Kingstown, and appropriating the same as a Parsonage House for the Rectory of the Parishes of St. George and St. Andrew, and the Town of Kingstown.
[24th June, 1833.]

Preamble.
Advisable that a
House should be pur-
chased for Parsonage.

Bishop of Diocese to
defray one moiety of
purchase-money.

CL. I.
Committee of Public
Buildings authorized
to purchase a suitable
house for a sum not
exceeding 1,200*l.* ster-
ling.

And cause the same to
be conveyed in trust
to President of Council
and others for use of
the Rector.

Proviso.
That the said Rector
and his successors shall
keep such Parsonage
House in repair.

WHEREAS it is deemed advisable that a house and lot of land should be purchased for a Parsonage House for the use of the Rector of the united parishes of St. George and St. Andrew and the town of Kingstown, and his successors; *And whereas* the Committee of Public Buildings have reported that a suitable house and lot of land in Kingstown can be obtained for the sum of One Thousand Two Hundred Pounds sterling; *And whereas* the Lord Bishop of the Diocese has agreed to defray one moiety of the said purchase-money out of the fund placed at his disposal by His Majesty's Government: We, Your Majesty's most dutiful and loyal subjects, the Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, humbly pray Your Most Excellent Majesty that it may be enacted, *And be it and it is hereby enacted* by the authority aforesaid, That the Committee of Public Buildings shall and they are hereby authorized to complete and carry into effect the purchase of a suitable house and lot of land in Kingstown and the appurtenances thereunto belonging, at and for a sum not exceeding One Thousand Two Hundred Pounds sterling, one moiety of which to be defrayed by the Colony and the other moiety by the Lord Bishop of the Diocese; and they shall, upon a good and sufficient title to the said premises being established, cause the same, by proper conveyances and assurances in the law with all usual and customary covenants, to be conveyed unto the President of the Council, the Chief Justice, and the Speaker of the Assembly, and their successors in their respective offices, in trust for the use of the Rector of the united parishes of St. George and St. Andrew and the town of Kingstown and his successors in the said office, as a Parsonage House for the said Rector and his successors, and for no other use or purpose whatsoever: *Provided nevertheless*, That the said Rector and his successors shall keep in repair, at his and their proper costs and charges, the said Parsonage House and premises during his incumbency; which shall be occasionally inspected by the Committee of Public Buildings, who shall from time to time report the state and condition of the same.

No. 25.

An Act to provide more effectually for the Recovery of Assessments for Public Taxes.
[26th January, 1835.]

Preamble.

WHEREAS sundry persons remain indebted for Public Taxes, and sundry Warrants which have been issued to the Provost Marshal General by the

Public Treasurer have not been collected or returned within the time specified therein by reason of some defect in the form or otherwise, and doubts are entertained whether the payment of the same can be now legally enforced; which doubts it is expedient should be removed and more effectual provision be made for the recovery of the assessments for Public Taxes: We, Your Majesty's most dutiful and loyal subjects, the Lieutenant-Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, pray Your Most Excellent Majesty that it may be enacted, *And be it and it is hereby enacted* by the authority aforesaid,

No. 25.
26th January, 1835.

CL. I.
[Had its effect.]

CL. II.
In cases of change of property, the same to continue liable for Assessments, and Warrant to issue in the name of the estate.

Provost Marshal to execute the same, as though name of proprietor had been inserted therein.

CL. III.
Warrants being returned as defective, Treasurer to issue others.

And whereas, from the change of property or otherwise, the Treasurer cannot always readily ascertain the names of the proprietors of plantations or estates, or of houses, lands, or other property liable to Assessment, and difficulty is experienced in recovering the Assessments imposed thereon; *Now*, in order to remedy the same, *It is hereby further enacted*, That the property so liable, and the Plantations or estates on the produce of which Assessments have been or shall hereafter be imposed, shall and are hereby declared to be specifically liable therefor; and it shall be sufficient in such cases for the Treasurer, in any Warrant for levying the amount thereof, to describe such Plantations or estates or other property by such names as they are usually known or designated; which Warrants the Provost Marshal General shall proceed to execute in the same manner as if the name or names of the proprietors of such property had been set forth therein; and in advertising and selling any property levied on under such Warrants he shall specify that the same had been taken in execution and sold by virtue of the Treasurer's Warrant for arrears of Public Taxes, in which cases it shall not be necessary to advertise or sell the right or title of any person or persons thereto, but the conveyance of the Provost Marshal General of such property so levied on and sold shall be good and valid to the purchasers thereof for such right, title, and interest as the owners had at the time of such levy and sale as aforesaid.

That whenever the Provost Marshal General shall make a return that any Warrants to him directed by the Treasurer cannot be legally enforced from any defect in the form or otherwise, it shall be lawful for the Treasurer, and he is hereby directed and required, to issue another Warrant or Warrants amending such defect, and reciting therein that the former Warrant had not been executed by reason thereof.

No. 26.

An Act to legalize the Police Settlement of the Windward Division, as a Place of Confinement and Punishment. [9th September, 1835.]

CL. I.
[Obsolete.]

CLAUSES II. and III.
Labour on Treadmill
to be regulated as in Kingstown, &c. [Repealed.]

And whereas one acre of the land at the Police Establishment aforesaid, on which the buildings hereinbefore mentioned have been erected for the purposes of this Act, has been purchased from Alexander Cumming, Esquire, as the Attorney of the heir of John Gerard, deceased, at or for the sum of One Hundred Pounds current money, as the full and true value of such acre, being part of the land belonging to the heirs of the said John Gerard, deceased, and the payment of the said sum of money has been actually made or satisfactorily secured to the said Alexander Cumming as such Attorney, *Be it therefore further enacted*, That the said one acre of land and the buildings thereon erected shall be and are hereby vested in His Majesty, his heirs and successors, for the public uses of the Colony.

CL. IV.
Land and Buildings
vested in His Majesty.

No. 27.

An Act to provide for the Operation within the Island of St. Vincent and its Dependencies of a Statute of the Imperial Parliament for the better Administration of Justice in certain of His Majesty's West India Colonies, and of the Charters or Letters Patent to be made or issued in pursuance thereof. [20th January, 1837.]

Preamble.

6 Wm. IV. c. 17, pre-
amble.

WHEREAS by a Statute of the Imperial Parliament of the United Kingdom of Great Britain and Ireland, passed in the sixth year of the reign of His present Majesty King William the Fourth, entitled "An Act to make provision for the better Administration of Justice in certain of his Majesty's West India Colonies," after reciting "that certain Acts or Statutes have heretofore been passed and enacted by the Legislative Councils and General Assemblies of His Majesty's Islands of Barbadoes, St. Vincent, Grenada, Tobago, Antigua, Montserrat, St. Christopher, Nevis, Dominica, and the Virgin Islands, for erecting therein certain Superior Courts of Justice, and by such Acts of Assembly or some of them the said Courts are invested with an exclusive jurisdiction over all persons within the said Islands respectively, and in all causes, civil and criminal, arising within the same: And such Acts having been assented to in the name and on the behalf of His Majesty's Royal predecessors by the Governors or by the Officers administering the Governments of the said Islands, were subsequently allowed and confirmed by His Majesty's said Royal predecessors, with the advice of their Privy Council;" and "that it is expedient to make provision for the better administration of justice throughout the several Islands aforesaid, and for that purpose to erect two Courts of Judicature within the same, and to commit to such Courts a superior and exclusive civil and criminal jurisdiction to be exercised by them throughout several of such Islands, constituting distinct and separate Governments and possessing distinct and separate General Assemblies, and that by reason of such Acts of Assembly as aforesaid," and, "by reason of the separation of the Governments of the said several Islands and of the General Assemblies thereof, such Courts of Judicature cannot be erected without having recourse to the assistance and authority of Parliament;" it is, amongst other things, enacted "that it shall and may be lawful for His Majesty, and he is," by that Statute, "authorized by Charters or Letters Patent under the Great Seal of the United Kingdom, to erect, constitute, and establish two such Superior Courts of Judicature, having such exclusive jurisdiction as is," in the said Statute "after mentioned, within His Majesty's Islands aforesaid in the West Indies; and which Charters or Letters Patent shall be promulgated in the several Islands aforesaid by proclamations to be therein respectively made in the name and on the behalf of His Majesty by the respective Governors, or Officers administering the Government thereof, respectively:" And that for "the purposes of the" said Statute, "His Majesty's said Islands or Governments of Barbadoes, St. Vincent, Grenada, Tobago, Antigua, Montserrat, St. Christopher, Nevis, Dominica, and the Virgin Islands, shall be divided into two separate and distinct Judicial Districts; one of which districts shall comprise the said Islands of Barbadoes, St. Vincent, Grenada, and Tobago, with their several Dependencies, and the other of which districts shall comprise the said Islands of Antigua, Montserrat, St. Christopher, Nevis, Dominica, and the Virgin Islands, with their several Dependencies:" And that "it shall be lawful for His Majesty, by such Charters or Letters Patent as aforesaid, to erect and establish within the said first-mentioned district one Superior Court of Judicature, which shall be styled 'The Supreme Court of His Majesty's Windward Caribbee Islands;' and to erect and establish within the said last-mentioned district one other Superior Court of Judicature, which shall be styled 'The Supreme Court of His Majesty's Leeward Caribbee Islands;'" but nevertheless that the said Statute "shall not come into operation, and shall not be binding or in force upon His Majesty's subjects or other persons

6 Wm. IV. c. 17, s. 1.

6 Wm. IV. c. 17, s. 2.

6 Wm. IV. c. 17, s. 3.

6 Wm. IV. c. 17, s. 24.

“residing and being within the said Islands and Governments, and that
 “such Letters Patent or Charters as aforesaid shall not be made or issued,
 “unless the Legislative Councils and General Assemblies of the said
 “several Islands or Governments shall, by some Acts of Assembly to be
 “by them for that purpose first made and enacted, have provided that all
 “and every the Acts, laws, statutes, customs, and usages in force within the
 “said Islands and Governments, in so far as the same might or could in
 “anywise obstruct or interfere with the operation within such Islands or
 “Governments of the said Statute, and of the said Charters or Letters
 “Patent, shall be absolutely repealed or annulled; nor unless such repeal
 “shall be made to take effect immediately upon the promulgation of such
 “Charters or Letters Patent within the said Islands or Governments; nor
 “unless such Acts of Assembly shall be assented to, in the name and on
 “the behalf of His Majesty, by the Governors, or the Officers administering
 “the Government, of the said Islands or Governments, and shall be confirmed
 “and allowed by His Majesty, with the advice of his Privy Council.” *And*
whereas it is expedient to provide for the operation within this Island of
 St. Vincent and its Dependencies of the said Statute, and of the said Charters
 or Letters Patent, and that all such obstructions as aforesaid within the said
 Island and its Dependencies be removed by the means and in the manner
 mentioned or intended in and by the said Statute: *Be it therefore enacted,*
and it is hereby enacted and ordained, by His Excellency the Lieutenant-
 Governor and the Council and the Assembly of this Island of St. Vincent
 and its Dependencies, and by the authority of the same, That so much
 of an Act passed in the year of our Lord one thousand seven hundred
 and eighty-six, entitled “An Act for establishing Courts of King’s Bench,
 “Common Pleas, and Error, and for the better advancement of Justice in
 “the said Island of St. Vincent and the Islands of Bequia and such other
 “of the Grenadines as lie to the northward of Carriacou, in America, and
 “for rendering the former proceedings of the Courts of Common Pleas and
 “Error valid, and for settling certain fees;” and so much of an Act passed
 in the year of our Lord one thousand eight hundred and eleven, entitled
 “An Act to amend and explain” (the aforesaid Act), and so much of all and
 every other Acts made to amend, explain, or otherwise to affect the Act first
 aforesaid; and so much of an Act passed in the year of our Lord one
 thousand eight hundred and twenty-four, entitled “An Act for establishing
 “a Court of Sessions, and for regulating the Sitting Magistrates [sic];” and
 so much of all and every other Acts made to amend, explain, continue, or
 otherwise affect the last-mentioned Act; and that so much of all and every
 other Acts, Laws, Statutes, Customs, and Usages in force within this Island
 of St. Vincent and its Dependencies, as the same or any of them may or can
 in anywise obstruct or interfere with the operation within the said Island
 and its Dependencies of the aforesaid Statute, and of the said Charters or
 Letters Patent, shall be and the same are hereby absolutely repealed or
 annulled, as hereinafter mentioned.

Provided always, That such repeal or nullification as aforesaid shall
 take effect immediately upon the promulgation as aforesaid of such Charter
 or Charters or Letters Patent as aforesaid within this Island of St. Vincent
 and its Dependencies, and not before.

No. 27.
 20th January, 1837.

CL. I.
 Repeal of certain parts
 of Act for establishing
 Courts of King’s
 Bench, &c.; and of
 certain other Acts;

And of all Acts, Laws,
 Statutes, Customs, and
 Usages in force, in so
 much as they may in
 anywise obstruct or
 interfere with the Act
 of Parliament, &c.

CL. II.
 Provided that such
 repeal shall not take
 effect until promulga-
 tion of Charter or Let-
 ters Patent.

No. 28.

*An Act to appropriate a Part of the Lands called The King’s Hill for
 the Purpose of erecting a School-house thereon.* [19th July, 1838.]

WHEREAS in and by an Act of the Legislature of these Islands, made and
 passed in the thirty-first year of the reign of His late Majesty King George
 the Third, the lands called The King’s Hill were reserved to His said
 Majesty, his Heirs and successors, for the purposes therein mentioned; *And*
whereas it has been deemed expedient that a certain portion thereof should
 be now made use of for the purpose of erecting a School-house: *Be it*

Preamble.

No. 28.
19th July, 1838.

CL. I.
Appropriating part of
the King's Hill for
the erection of a
School-house.

CL. II.
Penalty contained in
former Act not to at-
tach to persons em-
ployed in virtue of this
Act.

therefore enacted by the Lieutenant-Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, That One Acre and Twenty-five perches of the said land called The King's Hill, as represented by the Diagram hereunto annexed, shall be appropriated for the erection of a School-house, under the superintendence and direction of the Rector of the parish of St. George and his successors.

The penalty contained in the fourth Clause of the said Act shall not attach to such person or persons as shall be employed by the said Rector for the purpose of clearing and cultivating the said One Acre and Twenty-five perches.

No. 29.

An Act to declare the Police Settlements of the Windward and Leeward Divisions of this Island Places of General Confinement and Punishment.
[31st July, 1838.]

WHEREAS by an Act, entitled "An Act to legalize the Police Settlement of the Windward Division as a place of Confinement and Punishment," it was amongst other things enacted that a certain Acre of land, situate in Charlotte parish, and the Buildings thereon erected, should be vested in His late Majesty, his heirs and successors, for the public uses of the Colony; and whereas by a certain other Act, entitled "An Act to appoint Commissioners and to empower them to contract for the purchase of Land at Barroualie, and to agree with workmen to build a House of Correction thereon for the Leeward Division of the Island," it was amongst other things enacted, that in the event of the Commissioners therein mentioned purchasing lands for the above purpose the same should be conveyed by the owner thereof to His late Majesty, his heirs and successors for the public uses of the Colony; And whereas proper buildings necessary for the Police Settlement in the Leeward Division have been erected, under the direction of the said Commissioners, upon a certain lot, piece, or parcel of land, the property of the Colony.

And whereas it is expedient for the welfare of the Colony that the said pieces or parcels of land and the buildings thereon erected, with their appurtenances, be appropriated for the confinement and punishment of all or any such of Her Majesty's subjects as may, from and after the 1st day of August next, in any manner offend or attempt to offend against any of the Laws of this Island.

CL. I.
To vest in Her Majesty
the lot of land in the
town of Barroualie,
and the buildings
thereon erected.

First.—*Be it therefore enacted* by the Lieutenant-Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, That the said lot, piece, or parcel of land in the town of Barroualie and the buildings thereon erected, together with the said appurtenances thereunto belonging, be vested in Her Majesty, her heirs and successors, for the Police uses of the Colony.

CL. II.
To legalize confine-
ment at the Settlement
in Charlotte parish.

Second.—That it shall and may be lawful from and after the first day of August next, for any Court, Justice or Justices, having cognizance of offences committed by any person or persons whomsoever within the First or Windward Division of the said Island, which includes Charlotte parish, to sentence such person or persons found guilty thereof, to be confined in and punished at the above-mentioned Settlement situate in Charlotte parish as aforesaid.

CL. III.
To legalize confine-
ment at the Settlement
in the town of Bar-
roualie.

Third.—That it shall and may be lawful, from and after the first day of August next, for any Court, Justice or Justices, having cognizance of offences committed by any person or persons whomsoever within the Third or Leeward Division of the said Island, which includes the parishes of St. Patrick and St. David and that part of the parish of St. Andrew not included in the Second or Southern Division, and also defined in the said last-mentioned recited Act, to sentence such person or persons found guilty thereof to be confined in and punished at the said hereinbefore-mentioned Settlement situate in the said town of Barroualie as aforesaid.

No. 30.

An Act for regulating the Rights of Masters and Servants, and for the better Enforcement of Contracts. [27th March, 1839.]

WHEREAS it is expedient that provision be made by a Law of this Colony for regulating and enforcing Contracts and determining disputes between Masters and Apprentices or Servants, and to prevent the combination of Workmen; and, with a view of meeting the wishes of Her Majesty's Government, that exclusive jurisdiction should be hereafter given to the Stipendiary Magistrates, *Be it therefore enacted* by the Lieutenant-Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, That an Act, entitled "An Act for the more effectual administration of Justice in the Office of a Justice of the Peace, and for the appointment of Police Magistrates and a Constabulary force in these Islands," as also all Statutes and Acts relating to the Police, or which are or shall be in any wise repugnant to or inconsistent with this present Act, shall be and the same are hereby repealed; *Provided*, That the same do not extend to the repeal of the Act abrogating the Apprenticeship in this Colony, or any Contracts that may have been entered into by virtue thereof.

That, for the purposes and within the meaning of this present Act, the Officer lawfully administering the Government of this Colony shall be deemed and taken to be the Governor thereof; and that for the purposes and within the meaning of this present Act, the word "Servant" shall be construed and understood to comprise any person employed for hire, wages, or other remuneration to perform any handicraft or other bodily labour in agriculture or manufactures, or in domestic service, or as a boatman, porter, or other occupation [*sic*] in which the labouring population of this Colony have been usually employed; and that for the purposes and within the meaning of this present Act, the word "Master" shall be construed and understood to comprise any person, whether male or female, employing for hire, wages, or other remuneration, any person falling within the before-mentioned description of a Servant; and that for the purposes and within the meaning of this present Act, the words "Contract of Service" shall be construed and understood to comprise any agreement, whether oral or written, whether express or implied, into which any person falling within the before-mentioned description of the word Servant shall enter with any other person for the performance of any work or labour of any kind hereinbefore particularly mentioned; and that for the purposes and within the meaning of the present Act, the words "Stipendiary Magistrate" shall be construed and understood to comprise such Magistrates only as, being in the receipt of stipends assigned for their maintenance, shall be included in any Special Commission of the Peace to be from time to time addressed to them in the name and on the behalf of Her Majesty by the Governor for the time being of this Colony.

That all words in this present Act importing the singular number or the masculine gender only shall be understood to include several persons as well as one person, and females as well as males, unless it be otherwise specially provided or there be something in the subject or context repugnant to such construction.

That all Laws, Statutes, and Acts as [which] may be now in force in this Colony respecting Contracts of Apprenticeship or Service to be entered into within the limits of this Colony, except as before excepted, between any Master and Servant or respecting the rights and duties of Masters and Apprentices or Servants, in such their relation to each other; or respecting the mode of enforcing such Contracts, to be inflicted [*sic*] in case of the breach or non-performance thereof; or respecting the dissolution of such Contracts, are hereby repealed: *Provided always*, That the before-mentioned repeal shall not annul or affect any Contract entered into within any of the possessions of Her Majesty previously to the publication of an Act of this Colony, entitled "An Act to render null and void all Contracts for the performance in this Colony of any service or labour in agriculture, or in or about the manu-

Preamble.

CL. I.
Act for more effectual administration of justice and appointment of Police Magistrates, &c., repealed.

Proviso.
In respect to Act for Abrogation of Apprenticeship.

CL. II.
Defines the words "Governor," "Servant," "Master," "Contract of Service," "Stipendiary Magistrate."

CL. III.
Words in the singular number and masculine gender to include several persons, and females as well as males.

CL. IV.
Repeals all Laws, Statutes, and Acts now in force respecting Contracts of Apprenticeship and Service, or the mode of enforcing them, but does not annul any Contract entered into before the publication of the Act to render void Contracts for the performance of service in this Colony, but made in some other Colony.

No. 30.
27th March, 1839.

CL. V.
Such Contracts to be set aside by Petty Sessions, if either party were induced to enter into it by fraud.

CL. VI.
No Contract of Service to be of force unless made upon the land in which it is to be performed.

CL. VII.
No Contract to be in force for more than four weeks, unless in writing.

CL. VIII.
No Written Contract to be in force unless signed by each party, in the presence of a Stipendiary Magistrate, and to be valid only for one year.

CL. IX.
Such Written Contract shall expire at the close of the stipulated time of service without any notice.

CL. X.
Such Contract to specify the hours of daily labour.

CL. XI.
In cases when the remuneration is to be in kind, contract to specify the nature, amount, and quantity of articles.

CL. XII.
Wages to be paid only in the manner stipulated.

CL. XIII.
Form of Contract.

"facture of Colonial produce, which may be entered into in any of the "other of Her Majesty's possessions in the West Indies," relating to Contracts of apprenticeship or service entered into either without or within the limits of this Colony.

That nevertheless any Contract of Apprenticeship or Service to be performed within this Colony shall be liable to be set aside in the manner and by the authority hereinafter mentioned, whatever may have been the date thereof, upon reasonable proof being made to the satisfaction of such Petty Sessions as hereinafter mentioned, that either of the parties to such Contract was induced to enter into the same by any fraud, misrepresentation, or concealment.

That no Contract of Service shall be of any force or effect within this Colony, unless the same shall be made within the limits, and upon the lands of this Colony in which the same is to be performed.

That no Contract of Service hereafter to be made shall be in force within this Colony for more than four weeks from the date thereof, unless the same shall be reduced into writing with all the formalities hereinafter mentioned.

That no Written Contract of Service hereafter to be made shall be in force within this Colony unless it shall be signed with the name of, or, in case of illiterate persons, be entered into by each of the contracting parties in the presence of a Stipendiary Magistrate; nor unless such Stipendiary Magistrate shall subscribe the written contract in attestation of the fact that it was entered into by the parties voluntarily and with a clear understanding of its meaning and effect; and that no such Contract for Service shall be valid for more than one year from its date.

That every such Written Contract shall expire at the close of the stipulated time of service, without any notice on either side for that purpose, and that every such Written Contract shall specify, as accurately as may be, the general nature of the employment in which the servant is to be engaged.

That when the Contract is for work to be performed not by the piece but by the time, it shall specify as precisely as may be the number of hours of daily labour and the hours of the day at which such labour is to commence and to be suspended, and to recommence and to terminate.

That in cases in which the remuneration or any part of it is to be made not in money but in kind, the Contract must specify, with all practicable precision, the nature and amount and quality of the articles to be supplied to the servant, and the time when and the places or place at which such articles are to be delivered.

That no servant's wages if contracted for in money may be paid in kind, or if contracted for in kind may be paid in money, or in any other than the stipulated kind, except by the express consent of the servant.

That all Contracts of Service shall be drawn up as nearly as possible in the following terms:—

"SAINT VINCENT (to wit.)

"BE IT REMEMBERED, That on this day of , in the year of our Lord , A. B., of and C. D., of appeared before me, E. F., a Stipendiary Magistrate of the Colony of St. Vincent, and in my presence signed their names to or entered into [as the case may be] the following Contract of Service:

"The said A. B. agrees to hire the services of the said C. D., and the said C. D. agrees to render to the said A. B. his services in the capacity of a for calendar months, commencing on the day of instant, and terminating on the day of , in the year : And it is further agreed between the said parties that the said C. D. shall be employed in [field labour, or as a household servant, or as a boatman, as the case may be], and that the hours of labour of the said C. D. shall not be more than daily, commencing at the hour of and terminating at the hour of , with [one hour, or as the case may be] for breakfast, at of the clock, and [one hour, or as the case may be] for dinner, at of the clock daily: And it is further agreed, that the said A. B. shall pay

No. 30.
27th March, 1839.

to the said *C. D.*, as such Servant as aforesaid, wages at and after the rate of _____ by the [day, week, month, or year, *as the case may be*], and that such wages shall be paid on the _____ day of each [week or month, *as the case may be*]: And it is further agreed, that the service of the said *C. D.* shall be partly or wholly [*as the case may be*] remunerated by the delivery to the said *C. D.* of the various articles and allowances specified in the list hereunto subjoined, which shall be of such amounts and qualities as are specified in the said list, so far as such specification is possible. [*Here add any special engagement compatible with the law, and not adverted to in this form.*]

(Signed) "A. B."
"C. D."

"The preceding Agreement was signed or entered into by the above-named parties in my presence, on the day and year above written, voluntarily, the same being, as far as I am able to judge, fully understood by them respectively.

(Signed) "E. F., Stipendiary Magistrate."

And be it enacted, That Children above the age of ten and under the age of sixteen years may be apprenticed by their Fathers, or in the case of fatherless Children by their Mothers, or in case of orphans by their Guardians, to any trade in the practice of which any peculiar art or skill is requisite.

That no Child may be apprenticed as a labourer in Husbandry, or in the manufacture of Colonial produce.

That the Apprenticeship of such Children may be for any time not exceeding five years.

That any person of the full age of sixteen years or upwards may, by his or her consent, be apprenticed to any trade in the practice of which any peculiar art or skill is required, for any term not exceeding five years.

That the law respecting Apprentices in England shall, as far as may be practicable, be applied to the case of such Apprenticeships as aforesaid; but there shall be no Apprenticeship of any kind, or under any circumstances, of persons as labourers in Husbandry, or in the manufacture of Colonial produce. All engagements for those purposes must be made in pursuance of the enactments hereinbefore mentioned: *Provided always*, That the powers which in England are vested in the Justices of the Peace for enforcing or dissolving Contracts of Apprenticeship, and for authorizing the making of such contracts, shall, in the said Colony, be vested in the Stipendiary Magistrates thereof respectively.

That the Stipendiary Magistrates shall have an exclusive jurisdiction for the enforcement of all Contracts of Service, and for imposing all penalties for the breach, neglect, or non-performance thereof, and that this jurisdiction shall be exercised in a summary manner.

That, for ensuring regularity and method in the exercise of this Summary Jurisdiction, the Governor of this Colony shall have power and authority to prepare forms of proceeding to be observed on lodging complaints, in issuing summonses, in the citation of witnesses, in the pronouncing awards and sentences, in issuing warrants or orders for the execution of such awards or sentences, and generally for the complete carrying of the powers of the Stipendiary Magistrates into execution; which forms shall be submitted by the said Governor to the Chief Justice of this Colony, and being approved by the said Chief Justice, the same shall be observed in all proceedings before the said Stipendiary Magistrates: And that all such forms of proceeding shall from time to time be revised, repealed, or amended by the authority and in the manner aforesaid as occasion may require.

That no Sentence, Award, or Order made by any Stipendiary Magistrate in the execution of the jurisdiction so vested in him shall be liable to be reversed, set aside, appealed from, or questioned by any Court of Justice in this Colony, except on the ground of an unlawful assumption of power, or other illegality on the part of such Stipendiary Magistrate; but the same, when consistent with law, shall, to all intents and purposes, be binding, final, and conclusive.

CL. XIV.
Children above the age of ten years and under sixteen years, may be apprenticed by Father.

CL. XV.
No Child to be apprenticed as a labourer in Husbandry.

CL. XVI.
Such Apprenticeship not to exceed five years.

CL. XVII.
Persons of the age of sixteen years may by their consent be apprenticed for five years.

CL. XVIII.
Law respecting Apprentices in England, as far as may be practicable, to be applied to the case of such apprenticeship.

CL. XIX.
Stipendiary Magistrates to have an exclusive jurisdiction for the enforcement of Contracts.

CL. XX.
For ensuring regularity and method in the exercise of Summary Jurisdiction.

CL. XXI.
Reversal of Sentences.

No. 30.
27th March, 1839.

CL. XXII.
Indemnity for acts
done by Stipendiary
Magistrate.

CL. XXIII.
Neglect of work or
improper performance
of agreement by Ser-
vant.

Penalties.

CL. XXIV.
Breach of agreement
by Master.

Stipendiary Magis-
trate may award com-
pensation.

CL. XXV.
Misunderstanding of
agreements to be ar-
bitrated by Magis-
trate.

CL. XXVI.
Suspension of Magis-
trate from office.

CL. XXVII.
Assignment of dis-
tricts by Governor ;
Duty of Magistrates
to obey his commands ;
To make general or
special reports of pro-
ceedings.

CL. XXVIII.
Magistrates to meet in
Petty Sessions ;

That, for all acts done by any Stipendiary Magistrate in the exercise of the jurisdiction hereby vested in him such Magistrate shall have and be entitled to the same protection and indemnity as by any law now in force in this Colony any Magistrate is entitled to claim or to have in respect of any act by him done in execution of the powers vested by Law in him.

That, on complaint preferred and proof made by or on the behalf of the Master before any Stipendiary Magistrate, that any servant has neglected to perform his stipulated work ; or that he has performed it negligently or improperly ; or that by negligence or other improper conduct he has injured the property of his master entrusted to his care, the Magistrate may in his discretion adjudge the servant to any one or more of the following penalties, that is to say : a pecuniary penalty for the benefit of the Master, not exceeding one month's wages ; or the commitment of the Servant to prison, with or without hard labour, for any term not exceeding fourteen days ; or the dissolution of the Contract of Service.

That, on complaint preferred and proof made by a servant before any Stipendiary Magistrate, that his Master has not paid the servant's wages, or delivered to him the articles stipulated for ; or that the articles so delivered were not of the prescribed amount and quality ; or that by the negligence or other improper conduct of the Master the Contract of Service has not been faithfully performed ; or that the Master has ill-used the servant, the Stipendiary Magistrate may make order for the payment of the wages in arrear, or for the delivery of the stipulated articles, or for compensation to be made to the servant for any injury by him sustained by such negligence or improper conduct of the Master, or by his non-fulfilment of the contract, or by his ill usage of the servant ; and, if such order be not complied with according to the exigency and tenour thereof, the Magistrate shall and may issue a Warrant for the seizure and sale of the goods of the Master, or so much thereof as may be requisite for making such compensation ; and failing any sufficient distress the Magistrate shall and may make order for the commitment of the Master to prison for any time not exceeding one month, unless compensation be sooner made ; and the Magistrate may also, in any of the cases aforesaid, if he shall see fit, order the Contract of Service to be cancelled, either in addition to or in substitution for any such order as aforesaid : *Provided nevertheless*, That nothing herein contained shall prevent or be construed to prevent any proceeding before the ordinary Courts of this Colony for any ill usage of a servant by his master, or of a master by his servant, if the Stipendiary Magistrate shall decline to entertain any such case, and shall see fit to refer the same to the ordinary course of Law.

That if any question shall arise between a Master and a Servant respecting the meaning of their Contract, or the rights of either party under the same, or the obligation imposed on either party thereby, it shall be lawful for the Stipendiary Magistrate, on the application of either party, to arbitrate between them ; and his award on all such questions so brought before him shall be conclusive without appeal.

That every Stipendiary Magistrate shall hold his Office during Her Majesty's pleasure, and shall be liable to be suspended therefrom by the Governor of the said Colony until Her Majesty's pleasure shall be known.

That every such Magistrate shall act for such district or districts as shall from time to time be assigned for that purpose by the Governor ; and that every such Magistrate shall be obedient to the lawful commands of the Governor in all things relating to the duties of the Office of such Magistrate ; and that every such Stipendiary Magistrate shall be bound to make to the Governor such general or special reports of his proceedings in the discharge of such his duty as the Governor shall from time to time require of him.

That the Stipendiary Magistrates shall from time to time, as occasion may appear to them to require, or where they shall be so directed by the Governor, meet together in Petty Sessions, at which Sessions not less than two such Stipendiary Magistrates shall ever be present ; and it shall be lawful for such Stipendiary Magistrates in Petty Sessions assembled to

associate with themselves one ordinary Justice of the Peace, and no more; and such Stipendiary Magistrates and Justice, or the majority of them, may, in such Petty Sessions assembled, exercise any of the powers hereby vested in the Stipendiary Magistrate separately, provided that no such Petty Sessions be convened except by the previous sanction of the Governor of this Colony; which sanction may be given either for holding such Sessions periodically at some times and places to be appointed by him, or for holding the same for any special occasion at any particular time and place.

That all Constables and other Officers of Police in this Colony, respectively shall obey and carry into execution all lawful orders and warrants of the respective Stipendiary Magistrates, or of any such Petty Sessions as aforesaid.

That the Act of the British Parliament passed in the sixth year of the reign of George the Fourth, entitled "An Act to repeal the Laws relative to the Combination of Workmen, and to make other provisions in lieu thereof," shall be in force in this Colony, and applied in the administration of the law therein so far as it may be practicable to apply the same; but the powers thereby vested in the Justices of the Peace in England shall in this Colony be vested in the Stipendiary Magistrate; and the power thereby vested in any Court of General or Quarter Sessions shall in this Colony be vested in the before-mentioned Court of Petty Sessions; and the power thereby vested in Her Majesty's Superior Courts of Westminster shall in this Colony be vested in the Supreme Court of Judicature and the Court of Grand Sessions of the Peace thereof; and, for the better adaptation of the Act of Parliament to the circumstances of this Colony, such analogous forms of proceeding shall be prescribed, in the manner aforesaid, by the Governor of this Colony, with the sanction of the Chief Justice of the same.

* * * * *

No. 31.

An Act to facilitate the Recovery of Possession of Tenements.

[3rd August, 1839.]

WHEREAS it is expedient to provide for the more speedy and effectual recovery of the possession of premises unlawfully held over after the determination of the tenancy, *Be it therefore enacted* by the Lieutenant-Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, That from and after the passing of this Act, when and so soon as the term or interest of the Tenant of any house, land, or other corporeal hereditaments held by him at will, or for any term not exceeding seven years, either without being liable to the payment of any rent, or at a Rent not exceeding the rate of Twenty Pounds sterling a year, shall have ended or shall have been duly determined by a legal notice to quit or otherwise, and such Tenant or (if such Tenant do not actually occupy the premises or only occupy a part thereof) any person by whom the same or any part thereof shall be then actually occupied shall neglect or refuse to quit and deliver up possession of the premises or of such part thereof respectively, it shall be lawful for the Landlord of the said premises or his Agent to cause the person so neglecting or refusing to quit and deliver up possession, to be served (in the manner hereinafter mentioned) with a written notice, in the form set forth in the Schedule to this Act, signed by the said Landlord or his Agent, of his intention to proceed to recover possession under the authority and according to the mode prescribed in this Act; and if the Tenant or Occupier shall not thereupon appear at the time and place appointed, and show to the satisfaction of the Justice hereinafter mentioned reasonable cause why Possession should not be given under the provisions of this Act, and shall still neglect or refuse to deliver up possession of the premises or of such part thereof of which he is then in possession to the said Landlord or his Agent, it shall be lawful for such Landlord or Agent to give to such Justice proof of the holding and of the end or other deter-

No. 30.
27th March, 1839.

Under sanction of Governor.

CL. XXIX.
Constables and others to obey orders of Stipendiary Magistrates.

CL. XXX.
To give effect to Act of British Parliament, 6 Geo. IV. c. 129.

CL. XXXI.
Duration of Act.
[Made permanent.]

CL. I.
When Tenant or Occupier of premises, where there is no rent, or where the rent does not exceed 20l. a year, refuses to give possession, the Landlord may give him notice of his intention to proceed to recover possession, under the authority of this Act.

If Tenant does not appear or fails to show cause why he does not give possession, the Justice may issue his warrant directing the constables to give the Landlord possession.

No. 31.
3rd August, 1833.

Proviso.
That Entry be not
made at times speci-
fied.

Also, that Action of
Trespass be not pre-
vented.

CL. II.
The manner in which
such Summons shall be
served.

CL. III.
How Execution of
Warrants of possession
may be stayed.

CL. IV.
Proceedings on the
Bond in Action of
Trespass.

mination of the tenancy, with the time or manner thereof, and where the title of the Landlord has accrued since the letting of the premises, the right by which he claims the Possession, and upon proof of service of the notice and of the neglect or refusal of the Tenant or Occupier, as the case may be, it shall be lawful for the Special Justice acting for the District within which the said premises or any part thereof shall be situate to issue a warrant under his hand and seal to the Constables and Peace Officers of the District within which the said premises or any part thereof shall be situate, commanding them within a period to be therein named not less than Seven Days from the date of such Warrant, to enter (by force if needful) into the premises and give possession of the same to such Landlord or Agent: *Provided always*, That Entry upon any such Warrant shall not be made on a Sunday, Good Friday, or Christmas Day, or at any time except between the hours of nine in the morning and four in the afternoon: *Provided also*, That nothing herein contained shall be deemed to protect any person on whose application, and to whom any such Warrant shall be granted, from any action which may be brought against him by any such Tenant or Occupier for or in respect of such entry and taking possession, where such person had not at the time of granting the same lawful right to the possession of the same premises: *Provided also*, That nothing herein contained shall affect any rights to which any person may be entitled as Outgoing Tenant by the custom of the county or otherwise.

That such Notice of Application intended to be made under this Act, may be served either personally, or by leaving the same with some person being in and apparently residing at the place of abode of the person so holding-over as aforesaid; and that the person serving the same shall read over the same to the person served or with whom the same shall be left as aforesaid, and explain the purport and intent thereof: *Provided*, That if the person so holding-over cannot be found, and the place of abode of such person shall either not be known, or admission thereto cannot be obtained for serving such Summons, the posting up of the said summons on some conspicuous part of the premises so held-over shall be deemed to be good service upon such person.

That in every case in which the person to whom any such Warrant shall be granted had not at the time of granting the same lawful right to the possession of the premises, the obtaining of any such Warrant as aforesaid shall be deemed a Trespass by him against the Tenant or Occupier of the premises, although no entry shall be made by virtue of the Warrant; and in case any such Tenant or Occupier will become bound with two sureties as hereinafter provided, to be approved of by the said Justice, in such sum as to them [*sic*] shall seem reasonable (regard being had to the value of the premises and to the probable costs of an action to sue the person to whom such Warrant was granted with effect and without delay), and to pay all the costs of the proceeding in such action in case a verdict shall pass for the defendant, or the plaintiff shall discontinue or not prosecute his action or become nonsuit therein, Execution of the Warrant shall be delayed until Judgment shall have been given in such action of Trespass; and if upon the trial of such action of Trespass a verdict shall pass for the plaintiff, such verdict and Judgment thereupon shall supersede the Warrant so granted, and the plaintiff shall be entitled to double costs in the said action of trespass.

That every such Bond as hereinbefore mentioned shall be made to the said Landlord or his Agent at the costs of such Landlord or Agent, and shall be approved of and signed by the said Justice[s]; and if the Bond so taken be forfeited, or if upon the trial of the action for securing the trial of which such bond was given, the Judge by whom it shall be tried shall not indorse upon the record in Court that the Condition of the Bond had been fulfilled, the party to whom the bond shall have been so made may bring an action and recover thereon: *Provided always*, That the Court where such action as last aforesaid shall be brought may, by a Rule of Court, give such relief to the parties upon such bond as may be agreeable to justice, and such Rule shall have the nature and effect of a Defeazance to such Bond.

That it shall not be lawful to bring any action or prosecution against

the said Justice by whom such Warrant as aforesaid shall have been issued, or against any Constable or Peace Officer by whom such Warrant may be executed, for issuing such Warrant or executing the same respectively, by reason that the person on whose application the same shall be granted had not lawful right to the possession of the premises.

That where the Landlord, at the time of applying for such Warrant as aforesaid, had lawful right to the possession of the premises, or of the part thereof so held over as aforesaid, neither the said Landlord nor his Agent, nor any other person acting in his behalf, shall be deemed to be a Trespasser by reason merely of any irregularity or informality in the mode of proceeding for obtaining possession under the authority of this Act; but the party aggrieved may, if he think fit, bring an Action on the Case for such irregularity or informality, in which the damage alleged to be sustained thereby shall be specially laid; and may recover full satisfaction for such special damage, with costs of suit; provided that if the special damage so laid be not proved the defendant shall be entitled to a verdict; and that if proved, but assessed by the Jury at any sum not exceeding Five Shillings sterling money, the plaintiff shall recover no more costs than damages, unless the Judge before whom the trial shall have been held shall certify upon the back of the Record that in his opinion full costs ought to be allowed.

That in construing this Act the word "Premises" shall be taken to signify Lands, Houses, or other Corporeal Hereditaments; and that every word importing the singular number shall, where necessary to give full effect to the enactments herein contained, be deemed to extend and be applied to several persons or things as well as one person or thing; and that every word importing the masculine gender shall, where necessary, extend and be applied to a female as well as a male; and that the term "Landlord" shall be understood as signifying the person entitled to the immediate reversion of the premises, or if the property be held in joint tenancy, coparcenary, or tenancy in common, shall be understood as signifying any one of the persons entitled to such reversion; and that the word "Agent" shall be taken to signify any person usually employed by the landlord, or specially authorized to act in the particular matter by writing under the hand of such landlord.

No. 31.
3rd August, 1839.

CL. V.
Protection of Justices,
Constables, &c.

CL. VI.
Where Landlord has a
lawful title, he shall
not be deemed a Tres-
passer by reason of ir-
regularity, but be lia-
ble in an action on the
case for special da-
mages proceeding
from irregularity.

CL. VII.
Interpretation Clause.

SCHEDULE TO WHICH THIS ACT REFERS.

FORM No. 1.

Notice of Owner's intention to apply to Justices to recover Possession.

I [Owner, or Agent to the Owner, as the
case may be] do hereby give you notice, that unless peaceable possession of
the tenement [shortly describing it] situate which was
held of me, or of the said [as the case may be] under a
tenancy from year to year, or [as the case may be] which expired [or was
determined] by notice to quit from the said or otherwise
[as the case may be], on the day of , and which
tenement is now held over and detained from the said , be
given to [the Owner or Agent] on or before the expiration
of seven clear days from the service of this notice, I , shall
on next, the day of , at
apply to Her Majesty's Justice of the Peace acting for the district of
[being the district, division, or place in which the said
tenement or any part thereof is situate] to issue his Warrant, directing the
Constables of the said district to enter and take possession of the said
tenement, and to eject any person therefrom.

Dated this

(Signed) [Owner or Agent.]

To Mr.

FORM No. 2.

Complaint before Justice.

The Complaint of [Owner or Agent, &c., as the case may
be] made before me, one of Her Majesty's Special Justices of the Peace,

No. 31.
3rd August, 1839.

acting for the district of _____, who saith that the said
did let to _____ a tenement consisting of _____ for
_____ under the rent of _____, and that the said
tenancy expired [or was determined by notice to quit, given by the said
_____, as the case may be] on the _____ day of _____,
and that on the _____ day of _____ the said _____ did
serve on _____ [the tenant over-holding] a notice in writing of his
intention to apply to recover possession of the said tenement (a duplicate of
which notice is hereto annexed) by giving, &c. [describing the mode in
which the service was effected], and that, notwithstanding the said notice, the
said _____ refused [or neglected] to deliver up possession of the
said tenement, and still detains the same.

(Signed)

Taken the _____ day of _____ before me.

(Signed)

A duplicate of the notice of intention to apply is to be annexed to this
complaint.

FORM No. 3.

Warrant to Peace Officers to take and give Possession.

Whereas [set forth the Complaint] _____, one of Her Majesty's
Justices of the Peace, acting for the _____ of _____, do
authorize and command you, on any day within _____ days from the
date hereof [except on Sunday, Christmas Day, and Good Friday, to be added
if necessary], between the hours of nine in the forenoon and four in the
afternoon, to enter (by force if needful) and, with or without the aid of
[the Owner or Agent, as the case may be], or any other
person or persons whom you may think requisite to call to your assistance,
into and upon the said tenement, and to eject thereout any person, and of
the said tenement full and peaceable possession to deliver to the said
[the Owner or Agent].

Given under my hand and seal, this _____ day of _____
To _____ and all other Constables and Peace Officers
acting for the _____ District of _____

N. STRUTH, *Speaker.*

No. 32.

*An Act to extend an Act of the Imperial Parliament made in the Fourth
Year of the Reign of His late Majesty King George the Fourth,
intituled "An Act for enabling Courts to abstain from pronouncing
"Sentence of Death in certain Capital Felonies," into the Island of
St. Vincent and its Dependencies. [11th October, 1839.]*

WHEREAS it is expedient that an Act of the Imperial Parliament made in
the fourth year of His late Majesty King George the Fourth shall extend to
and be in force in this Island, Be it therefore enacted, by the Lieutenant-
Governor or Commander-in-Chief in and over the Island of St. Vincent and
its Dependencies, and the Council and Assembly of the same, That the said
Act, made in the fourth year of His said late Majesty King George the
Fourth, entitled "An Act for enabling Courts to abstain from pronouncing
"Sentence of Death in certain Capital Felonies," shall by virtue of this Act
be adjudged and extended to and be in force in the said Island of St. Vincent
and its Dependencies.

No. 33.

*An Act for the Abolition of Currency and the Substitution of Sterling
Money in these Islands. [16th December, 1839.]*

Preamble.

WHEREAS the Queen's Most Excellent Majesty has been pleased, by Her Royal
Proclamation, bearing date the fourteenth day of September, one thousand

No. 33.
16th December, 1839.

eight hundred and thirty-eight, to declare and ordain that, throughout the whole of the West India Colonies, the Spanish, Mexican, and Columbian Gold Coin called Dubloons shall circulate and be received in payment as being of the full value of Sixty-four Shillings sterling current money of the United Kingdom; and the Spanish, Mexican, and Columbian Coin called Dollars shall circulate and be received in payment as being of the full value of Four Shillings and Two pence sterling, like current money of the United Kingdom: *And whereas* Her said Majesty, by her Royal Proclamation under the Great Seal of the said Island, bearing date the sixteenth day of November, one thousand eight hundred and thirty-eight, Reciting, amongst other things, that various Proclamations have at different times been issued by the Governors of Her Majesty's said Island of St. Vincent and its Dependencies for fixing current rates at which certain British and Foreign Coins should circulate in the said Islands, and that it is expedient that the said Proclamations should cease to have any effect, has been pleased to declare and ordain that all such Proclamations shall, from and after the nineteenth day of November, become and be null and void and of no effect to all intents and purposes whatsoever: *And whereas* by an order of Her said Majesty, made with the advice of her Privy Council, bearing date the said fourteenth day of September, one thousand eight hundred and thirty-eight, it was ordered that the first herebefore recited Proclamation should take effect and come into force in each of Her Majesty's said Colonies upon, from, and after such day as shall be for that purpose limited by the Governor of each of the said Colonies respectively by any Proclamation to be by them respectively for that purpose issued in each of such respective Colonies; and His Excellency the Lieutenant-Governor, in obedience to such orders, has been pleased by his Proclamation bearing date the sixteenth of November, one thousand eight hundred and thirty-eight, to direct and declare that the said Proclamation shall take effect and come into force in this Island and its Dependencies upon, from, and after the nineteenth day of November, one thousand eight hundred and thirty-eight: *And whereas* it will be most beneficial to the trade and commerce of these Islands that the denomination of Colonial Currency should be abolished, and the British Sterling value of all coins should be substituted in lieu thereof: *Be it enacted*, by the Lieutenant-Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, and by the authority of the same, That the denomination of Colonial Currency or Current Money in these Islands shall be abolished, and that from henceforth all contracts, wages, agreements, mortgages, bonds, notes, awards, decrees, judgments, executions, taxes, fees, salaries, fines, penalties, damages, costs, and charges, receipts and payments of every description shall be computed, entered up, levied, sued for, recovered, received, and paid in Sterling Money of Great Britain, and in no other manner.

Former Proclamations repealed.

CL. I.
Abolition of Currency.

That hereafter in all cases where the words "Money," or "Pounds, Shillings, and Pence," are used, they shall be deemed and taken to mean Sterling Money, and no other.

CL. II.
Words "Money," &c., defined.

That the operation of this Act shall be suspended until Her Majesty shall be pleased to allow the same.

CL. III.
Commencement of Act.

No. 34.

An Act for the Election of Townwardens, and for the Regulation of the Town of Kingstown. [8th April, 1840.]

WHEREAS the several Acts for the Regulation of the Town of Kingstown have been repealed, *Be it enacted* by the Lieutenant-Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, That all the lots and parcels of land lying within certain Boundary Pillars already erected, and in addition thereto all the lots of land whereon houses are built at the former South-eastern boundary of the Town; all the lots adjoining Grenville Street, formerly part of Kingstown-Park Estate, and now called St. James's Place and St. George's Place; all the lots at the North-western boundary of

CL. I.
Kingstown Boundaries.

No. 34.
8th April, 1840.

CL. II.
Election of Town-
wardens.

the Town, now known as Rose Place, and those formerly part of the Burial-ground at the North-Western end of Kingstown; and all roads, ways, and vacant spaces belonging to the same, shall form, constitute, and be considered as the Town of Kingstown, and shall be under the jurisdiction and management of the Townwardens.

That any two Justices of the Peace, by the direction and appointment of the Lieutenant-Governor or Commander-in-Chief for the time being, shall issue their Warrant to any Constable for Kingstown, to summon the Electors thereof to meet at the Court-house, within six days after the publication of this Act; and on the first Tuesday which will be in the year one thousand eight hundred and forty-one and in every year after, or within any of the eight days next following, between the hours of ten in the forenoon and two in the afternoon, for the Election of six Townwardens for the said Town of Kingstown; and such Townwardens, within two days next ensuing, shall meet and nominate a fit and proper person to be an Overseer of the said Town and Keeper of the Pound; and also a fit and proper person to be Clerk, to keep the accounts of the Town and to attend all meetings, such persons not to be Townwardens: and the said Justices shall make a return, under their hands, of the Townwardens so elected to the Lieutenant-Governor or Commander-in-Chief for the time being, within three days next after such Election.

CL. III.
Qualifications of
Townwardens and
Electors.

That any person resident within the Town and possessed of a house or houses of the yearly value of Fifty Pounds, or being a lessee of a house or houses at a rent of One Hundred Pounds, and on which he shall have paid taxes the preceding year, shall be capable of being elected a Townwarden; and any proprietor of a house or houses of the yearly value of Ten Pounds, or a lessee of a house or houses at a rent of Fifty Pounds, shall be qualified to vote for the Election of Townwardens: *Provided always*, That all such persons shall have paid up all their arrears of Town Assessments before they shall be capable of being elected or qualified to vote as aforesaid; *Provided also*, That the Members of Her Majesty's Council, the Attorney-General, the Rector of the parish and his Curates, the Treasurer, the Colonial Secretary, Provost Marshal General, Postmaster, and the Officers of the Customs, shall be exempted from serving as Townwardens.

Exemptions.

CL. IV.
Electors not appearing
fined.

That if any Elector summoned as before mentioned shall not appear at such Election, or send a list of six persons proposed by him as Townwardens, signed with his name, or show a sufficient cause of absence to be admitted by the Justices, he shall forfeit and pay Ten Shillings, and in default of payment the same shall be levied on the goods and chattels of the defaulter by a Warrant under the hands and seals of the said Justices directed to any Constable, together with the costs of executing the said Warrant.

CL. V.
Disputes at Elections
to be determined by
Justices.

That all cases of difference or disputes as to the qualification of the Electors, or the persons proposed as Townwardens, shall be decided in a summary manner by the Justices conducting the Election, whose decisions shall be governed by such of the Regulations prescribed by the Act, commonly called the Election Act, as may be applicable, and which are not varied by any enactments in this Act.

CL. VI.
Townwardens to be
sworn.

That the Townwardens, within six days after their Election, shall attend before either of the Justices conducting the Election, and take the following Oath (which such Justice is hereby authorized to administer):—"I A. B. do swear that I will well and truly execute the Office of "a Townwarden of Kingstown according to the best of my judgment. "So help me God." And any Townwarden, being duly elected, who shall neglect or refuse to take such oath, or serve in the said office, shall forfeit and pay the sum of Twenty Pounds; and if he shall neglect or refuse to attend any quarterly meeting, due notice thereof being published in the Gazette by Authority, without a reasonable and lawful excuse to be adjudged of by the majority of the other Townwardens present, he shall forfeit and pay the sum of Ten Shillings: *Provided always*, That no person shall be obliged to serve two successive years except by his own consent.

Penalty on refusing to
serve or attend meet-
ing.

Proviso.

That the Townwardens, being duly elected and sworn, shall *ex officio* act as Justices of the Peace within the said Town, and all Constables and Policemen shall obey their orders: *Provided always*, That any orders given by them to any of the Kingstown Police shall not interfere with or be repugnant to any regulations of such Police as may be established by the Police Magistrate for the Kingstown District.

That the Townwardens, of whom four shall be a Quorum sufficient to transact business, shall meet at the Court House in Kingstown, on the fourth Tuesday in the months of February, May, August, and November in every year, for general purposes of business, and to receive applications from the inhabitants respecting any matters concerning the Town; at which meetings the Clerk of the Town shall attend and take minutes of the proceedings, which shall be kept in a book to be provided for that purpose; and no sum exceeding Twenty Pounds shall be expended for any one purpose, unless it shall have been proposed and agreed to by a majority of the Townwardens at one of the said Quarterly Meetings: *Provided always*, That the said Townwardens or any four of them may summon Meetings at any other times, according to the exigency of the case.

That a majority of the Townwardens shall have power and authority to Tax and Assess all the houses and lots comprised within the town of Kingstown according to the yearly value thereof, not exceeding Two per Cent. in any one year on such value; and also to assess all lots having no buildings erected thereon, at Ten Shillings annually; also to lease all such portions of Land within the town as are vested in the Townwardens for any term not exceeding Seven years; also to assess every occupier of any premises who may have taken or brought water therein, by laying down pipes communicating with any public pipe, at any reasonable sum for the same, and to fix the rate of supplying the Shipping with water; which Assessment shall be produced at the quarterly meeting in the month of February, when all persons who may consider themselves aggrieved by any over-assessment are to attend and substantiate their objections thereto, in default of which such Assessment shall be confirmed: *Provided always*, That in cases where any great additional expenses shall have been incurred by the purchase of any rights to watersprings, or the erection of any buildings or bridges, or the payment of any losses arising from fire, storms, or tempest, and which expenses shall have been previously agreed to at a General Meeting of not less than Forty persons paying Town Taxes whose names shall be inserted in the Minute Book, it shall be lawful for the Townwardens to impose and levy in a summary manner an additional sum, not exceeding Two per Cent. in any one year, for the purposes aforesaid.

That in cases where any person shall neglect or refuse to pay any Assessments imposed on him by virtue of this Act on or before the first day of July in every year, the Townwardens shall apply to any Justice of the Peace, who, on proof of a demand having been made for payment, by the oath of the Town Clerk or Collector of Taxes, and that the Assessment is still due, shall issue his Warrant or Warrants, including one or more defaulters, directed to any Constable, to levy the amount of the Assessment specified in the Warrant, by Distress and Sale of the goods and chattels of the defaulter, and in default of any goods and chattels, by the sale of so much of the property assessed as shall be required to satisfy the Warrant: and Tenants shall be obliged to pay for their Landlords; and, in the absence of any written agreement to the contrary, they shall be authorized to deduct the same out of their rent; and in cases when the rent of any leased land shall be unpaid contrary to the terms of the lease or agreement, the Townwardens shall and may proceed against the lessees by Warrant of Distress and Sale in the usual manner; and the Townwardens shall have power to convey any property sold for the purposes aforesaid.

That all moneys arising from the Assessments, taxes, charges, and rents before mentioned, and all Fines, forfeitures, and penalties to be incurred and paid unto the Townwardens under this or any other Act now or hereafter to be in force, shall be applied by them to pay off all debts incurred by their predecessors in office and the salaries of persons employed by them under

No. 34.
8th April, 1840.

CL. VII.
Townwardens to be Justices *ex officio*, and be obeyed by Constable and Police.

CL. VIII.
Townwardens to meet Quarterly.

CL. IX.
Power to Assess.

Additional Assessment in particular cases.

CL. X.
Assessments, how levied.

CL. XI.
Application of Assessments, &c.

No. 34.
8th April, 1840.

this or any other Act; also, in paving, mending, and repairing the streets and roads, making common sewers and aqueducts, repairing bridges, cleaning, draining, or filling up the Parade and Bleaching ground, and all other public lots or spaces of land; in keeping the Fire-engines and all other implements to be used in cases of fire in complete order and repair, and in providing as many ladders, buckets, and other articles as are required for the security of the Town; in the temporary maintenance and support of sick, diseased, shipwrecked, and destitute persons until they can be sent to the persons liable to maintain them; in the payment of all costs and prosecutions to be incurred under this Act, and in defence of all actions to be brought against them for enforcing the same; and generally for such other Public Works and Improvements for the good and benefit of the inhabitants of the said Town as shall be thought useful and necessary by the said Townwardens or a majority thereof.

CL. XII.
Highways leading out
of town to be repaired
by Townwardens.

That the Townwardens shall have jurisdiction over and shall keep in repair the Highway to Windward as far as Sion Lodge, and the Highway to Leeward as far as the road leading to La Cavaliers; and the Waywardens of the parishes of St. George and St. Andrew shall not be required any longer to superintend such portions of the said roads; and, in consideration of the expenses attending such change the Treasurer shall every year pay over to the Townwardens the sum of Fifty Pounds, to be applied and accounted for as part of the Two Pounds.

CL. XIII.
Townwardens to ac-
count.

That the Townwardens shall make up their accounts to the thirty-first day of December in every year, and at the quarterly meeting in February in every year they shall attend and give in an account to the new Townwardens of all moneys received and expended by them, and unless they shall show that Warrants have been issued for all Taxes and charges unpaid during their office, they shall be charged therewith, and upon settlement of the accounts they shall forthwith pay over the balance in hand (if any) to their successors; and it shall be lawful for any person paying Town Taxes to attend such meeting and inspect such accounts, and submit any objections thereto to the new Townwardens for their guidance; and a true and correct Abstract of the said account shall be framed and laid before the Council and Assembly at their sitting in March in every year, and published in the Gazette by authority for general information; and any old or new Townwarden neglecting or refusing to comply with or perform any part of this Clause shall forfeit and pay the sum of Forty Pounds, to be recovered as hereinafter directed: *Provided always*, That the Townwardens for the year one thousand eight hundred and thirty-nine shall account in the manner herein directed, the same as if they had been elected under this Act.

CL. XIV.
Description of build-
ings.

That all Houses hereafter to be built in the town shall have the Basement-story built with brick or stone and mortar, and no addition shall be made to any basement-story except of the materials aforesaid; and all Wooden Houses of one story only shall be raised either upon a brick or stone basement-story, or on brick or stone pillars, at least two feet high, within twelve months after the publication of this Act; and all Kitchens and Blacksmith's Shops shall be built of brick or stone and mortar, and the roofs thereof arched or covered with tiles, slates, copper, or lead, and the chimneys thereof shall also be of brick or stone, and shall be raised three feet at the least above the roof, and as much higher as the Townwardens or a majority of them, in particular cases may direct, in order to ensure safety to the adjoining buildings and in case any chimney shall take fire, the possessor thereof shall forfeit and pay Fifty Shillings; and all Ovens shall be built with the same materials, with the mouths opening into the kitchen or chimney, and the flue into the chimney; and any person erecting or beginning to erect any building contrary to the provisions of this Act shall forfeit and pay any sum not exceeding Twenty Pounds; and after due notice in writing from the Townwardens, shall pull down or alter such building under a further penalty of Fifty Shillings for each month after such notice is given; and any person who shall not within twelve months after the publication of this Act rebuild or alter any Wooden Building, so as to

correspond with the provisions of this Act, shall forfeit and pay the sum of Fifty Shillings for each month after a like notice.

That any person who shall encroach on any Street or Lane of the Town, or on any vacant piece of land being part thereof, by enclosing the same or erecting any building thereon; or who shall erect any building contrary to the true intent of this Act; or who shall build or erect a Privy adjoining any street or lane, which shall be represented and proved to the Townwardens, or a majority, as a Nuisance by any inhabitant, and do not remove the same in seven days after notice having been given in writing by any Townwarden, then and in every such case any Townwarden shall direct one or more Constables immediately to remove such encroachments or buildings at the expense of the person erecting or occupying the same; which expenses shall be recovered as fines and forfeitures are by this Act directed to be; and in addition thereto the party offending shall forfeit and pay the sum of Forty Shillings for each day of the continuance of the encroachment or nuisance after notice.

That if at any future time any Whale Blubber, Compost, or other Animal Manure shall be legally imported, no person shall store or house the same within the Town, or if landed, shall allow it to remain on the Beach or elsewhere, under a penalty of Twenty Shillings for each cask or package for every day during the continuance of the nuisance; and any person keeping any rotten or stinking fish, beef, pork, rancid oil, or other offensive matter in any house, store, or yard, or premises adjoining, after notice in writing from any Townwarden to remove the same, shall be subject to the same penalty.

That no person shall cast or deposit any Filth of any description whatever in any Street or upon the Beach within Low-Water mark, nor shall carry any privy-tubs or utensils out from any premises to be cleansed between the hours of five in the morning and eight in the evening, under a penalty of Ten Shillings for each offence, and in default of means of payment, the offender shall be committed to the House of Correction for any period not exceeding seven days.

That no person shall Wash Clothes or other things, or bathe, or throw any thing foul or impure into Kingstown South-River, nor shall any person expose his person by openly bathing in any of the rivers or streams flowing through and being within or adjoining the Town, or in the sea, in view of any dwelling-houses, under a penalty of Ten Shillings for each offence.

That all Galleries projecting over the Public Street shall be paved and kept in repair with stone or bricks by the owner of the house to which such Gallery is attached; and any person placing or causing to be placed any obstruction whatever in any such Gallery, otherwise than as a temporary convenience, and keeping the same there for the space of twenty-four hours, and after notice in writing from any Townwarden to remove the same in a time to be specified, shall forfeit and pay Forty Shillings each day until the obstruction be removed; and no Gallery shall be supported by posts or pillars in any Street which is less than Fifty Feet wide, under a like penalty; nor shall any Balcony project more than Three Feet into any similar Street, under a like penalty.

That the Townwardens shall keep in repair the several pits for the reception of broken bottles and glass, and shall cause the same to be emptied into the Sea, beyond the usual Anchorage Ground, as often as may be required; and any person throwing any broken bottles or glass into any of the Streets or Thoroughfares in the Town, or exposing or causing any to be exposed in front of his dwelling, or throwing or causing to be thrown any such broken bottles or glass into any part of the Sea bounding the said town, between the usual anchoring places for the vessels and the land, shall, on conviction, forfeit and pay Twenty Shillings for each offence.

That every Occupier of a house in town, of the yearly rent or value of Fifty Pounds, shall within three months after the publication of this Act, provide himself with at least two buckets and one ladder, proportionate to the height of his buildings; and every such person who shall not within the time limited provide himself with such buckets and ladder shall forfeit

No. 34.
8th April, 1840.

CL. XV.
Encroachments and
Nuisances to be
abated.

CL. XVI.
Animal Manure not to
be stored in town;
stinking fish, &c., to
be removed.

CL. XVII.
Casting Filth into
streets, &c.

CL. XVIII.
Bathing, &c., in King-
stown South-River and
elsewhere.

CL. XIX.
Galleries to be paved
and kept clear of
obstructions.

Width of a Gallery.

CL. XX.
Pits for broken glass
to be repaired, and no
glass to be thrown in
the Streets.

CL. XXI.
Buckets and Ladders
to be provided.

No. 34.
8th April, 1840.

CL. XXII.
Firemen to be enrolled.

and pay One Pound for every thirty days after that he shall not so have provided such buckets and ladder.

That the Townwardens shall enrol the names of Thirty inhabitants of the town, who shall be willing to act as Firemen in the case of any emergency, and shall communicate instructions for their conduct and guidance; and every Fireman attending on the first alarm of fire being given, and aiding and assisting in extinguishing it, and obeying the orders of any of the Townwardens during its continuance, shall be paid Ten Shillings for every such attendance out of the Town Funds; and all such enrolled Firemen shall be exempted from the payment of any House-Assessments during their continuance in the service, and shall be liable to be discharged by the Townwardens for any neglect or disobedience of orders.

CL. XXIII.
Power to pull down houses in case of fire.

That the Townwardens, or any two of them who may be present at any fire may, and [they] are hereby authorized and empowered, when it shall appear necessary in order to prevent the fire from spreading, to direct and cause any house or other building to be blown up or pulled down, and the party whose house shall be blown up or pulled down shall be recompensed and indemnified to such an amount as any six disinterested Freeholders of the Island, three to be named by the Townwardens, and on their default to be named, upon the application of the party injured, by the Justices at the next Court of Sessions, and three by the party injured, shall award; which shall be raised by an extra-assessment on the said town, if necessary, in the manner hereinbefore directed: *Provided always*, That such Lots as have suffered by the fire shall not be included in such extra-assessment.

CL. XXIV.
Kingstown-Park Swamp to be drained.

That the Townwardens shall have full power and authority to enter upon such part of the lands of Kingstown-Park Estate as may be necessary for the purpose of tracing and cutting all such drains as may be necessary for the purpose of draining the Swamp lying to the North-west of the Court-house, and for keeping the same constantly clear and open and in perfect repair, the expenses whereof shall be defrayed from the funds of the Town.

CL. XXV.
Water to be supplied to the Town.

That it shall be lawful for the Townwardens to contract with any person to bring and convey water for the use of the town from any river or spring in or contiguous to the said Town through pipes, or by such other ways and means as shall be agreed on; and any such person is hereby authorized to enter upon any lands to trace the source of any river or spring, and to take up and convey the water thereof to the town, provided the same can be done without injury to any water-mill supplied or to [be] supplied therefrom, and to that end to lay pipes and to build such reservoir, cisterns, tanks, aqueducts, or other buildings as may be necessary, and the same from time to time to repair; and any person obstructing or hindering such contractor or his servants from laying pipes or erecting such buildings shall, on conviction, forfeit and pay any sum not exceeding Twenty Pounds; and in case any person shall cut, destroy, pull up, or otherwise injure or damage any buildings so to be erected, or any of the pipes after they shall be laid, or any pipes already laid in the town, [he] shall on conviction forfeit and pay the amount of the damage done, to be ascertained by evidence before the convicting Justice: *Provided always*, That every proprietor of lands where the said water shall be taken up, or through which the said water shall be conveyed, or upon which such buildings shall be erected, shall be paid such damages as he may sustain thereby; which damage shall be computed and estimated by any two disinterested Freeholders, to be mutually chosen by the Townwardens and the party injured; and, upon the estimation of such damages, the Townwardens shall levy the amount thereof as hereinbefore directed, and pay the same to the party injured.

Townwardens to pay the Owners for taking it up.

CL. XXVI.
Animals going loose to be impounded.

That the Poundkeeper, or any other person, shall and may take up and seize any horse, mare, mule, horned cattle of any kind, sheep, goat, or swine that may be going loose, or be tied or feeding in the streets, lanes, or public places in the town, which said animals shall be confined in the Pound by the Poundkeeper until released by their owners or by any other person; and the said Poundkeeper is hereby authorized and required to demand and receive Five Shillings for every entire horse, mule, or bull, and Two Shillings for every horse, mare, mule, or other cattle, and Nine Pence for every sheep,

No. 34.
8th April, 1840.

goat, or swine lodged in the Pound and taken out within six hours; and the sum of Three Shillings and Sixpence for every horse, mare, mule, and horned cattle, and Nine Pence for every sheep, goat, or swine for every twenty-four hours after; and the said Poundkeeper is hereby authorized not to deliver up the said animals until he is paid by the claimant the sum already specified; and if any impounded stock shall remain in his possession until the publication of the Gazette, he shall insert an advertisement therein, containing a description of the same, with a notice that if such impounded stock is not claimed within six days the same will be sold at public auction, which sale he is hereby authorized to make; and the Poundkeeper shall pay himself such fees as he is entitled to receive, and the overplus of such sale to the Townwardens for the uses of the town: *Provided*, That the Poundkeeper shall supply each animal with a sufficiency of proper food and water daily out of his fees, under the penalty of paying the full value of any animal dying from neglect while in his custody.

That if any person shall rescue or attempt to rescue any animal about to be or already impounded, or shall break any Pound wherein any animal is confined, he shall, on conviction before any Justice of any of the said offences, forfeit and pay any sum not exceeding Five Pounds.

That the Stocks erected in the Market-place in Kingstown shall be kept in repair by the Towdwardens; which said Stocks shall be a lawful place of confinement for any offenders who may be sentenced thereto by any Justice for any space of time not exceeding Six Hours in the daytime.

That any Townwarden neglecting or refusing to perform any duty imposed on him by this Act shall be liable to an indictment in the Court of Grand Sessions of the Peace, and on conviction shall be fined in any sum not exceeding One Hundred Pounds, at the discretion of the Court, according to the nature of the offence.

That all Fines, penalties, and forfeitures (not otherwise provided for) shall be recovered in a summary manner before any one Justice of the Peace, who shall and is hereby authorized to hear and determine all offences against this Act not otherwise provided for, and to proceed therein in all respects as directed by the Acts for regulating the Police of Kingstown, or any other Police Acts; and upon conviction of any offender to commit him, or to issue his warrant to any Constable to levy all such fines, penalties, and forfeitures, together with all reasonable costs, by Distress and Sale of his goods and chattels: *Provided always*, That the prosecution for every offence punishable on summary conviction under this Act shall be commenced within One Calendar Month after the commission of the offence, and not otherwise; and the evidence of the party aggrieved shall be admitted in proof of the offence.

That all Fines, penalties, and forfeitures hereby imposed and not otherwise disposed of shall be to Her Majesty, her heirs and successors, and shall be paid to the Townwardens for the general use of the Town, and shall be accounted for by them in their general account of their expenditure.

That in all cases where words in this Act importing the singular number or the masculine gender only are used, yet this Act shall be understood to include several matters as well as one matter, and several persons as well as one person, and females as well as males; and the word "Person" shall be construed as applicable to every description of persons whatsoever, unless it be otherwise specially provided for, or there be something in the subject or context repugnant to such construction; and that all sums of money mentioned in this Act, whether penalties or otherwise, shall be understood as Sterling Money of Great Britain.

That all actions and prosecutions to be commenced against any person for anything done in pursuance of this Act, shall be commenced within Three Calendar Months after the fact committed, and not otherwise; and notice in writing of such action and of the cause thereof shall be given to the defendants One Calendar Month at least before the commencement of the action; and in any such action the defendant may plead the General Issue, and give this Act and the special matter in evidence upon any trial to be

CL. XXVII.
Persons rescuing impounded animals or breaking Pound.

CL. XXVIII.
The Stocks to be a lawful place of Confinement.

CL. XXIX.
Townwardens neglecting duties to be fined.

CL. XXX.
Execution of Act by any Justice.

CL. XXXI.
Fines to be applied to the use of the Town.

CL. XXXII.
Interpretation.

CL. XXXIII.
Proceedings to be commenced within three months.

No. 34.
8th April, 1840.

had thereupon; and no plaintiff shall recover in any action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought by or on the behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit or discontinue any such action after issue joined; or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall have his full costs as between attorney and client, and have the like remedy for the same as any defendant has by law in other cases; and, though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Court before which the trial shall be shall certify its approbation of the action and of the verdict obtained thereon.

No. 35.

An Act for granting a Salary to a Curate for Charlotte Parish.

[8th June, 1840.]

One hundred pounds
per annum to be paid
to Curate of Char-
lotte Parish.

WHEREAS it is necessary to provide a Salary to a Curate for Charlotte parish: *Be it therefore enacted* by the Lieutenant-Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, That a Salary at and after the rate of One Hundred Pounds sterling *per annum* shall be paid by the Treasurer to the person nominated as Curate for Charlotte Parish during the time he officiates as such and actually resides within the said Island of St. Vincent.

No. 36.

An Act for granting a Salary to a Curate for the Parishes of St. Patrick and St. David.

[8th June, 1840.]

One hundred pounds
per annum to be paid
to Curate of St.
Patrick and St. David.

WHEREAS it is necessary to provide a Salary to a Curate for the parishes of St. Patrick and St. David: *Be it therefore enacted* by the Lieutenant-Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, That a Salary at and after the rate of One Hundred Pounds sterling money *per annum* shall be paid by the Treasurer to the person nominated as Curate for the parishes of St. Patrick and St. David during the time he officiates as such and actually resides within the Island of St. Vincent.

No. 37.

An Act to extend certain parts of several Acts of the Imperial Parliament for facilitating the Payment of Debts out of the Real Estate, and the Disposal of the undisposed of Residues of Testators, to these Islands.

[8th August, 1840.]

1 Wm. IV. c. 47.

3 & 4 Wm. IV. c. 104.

1 Wm. IV. c. 40.

CL. I.
Extension of the first
clause of 1 Wm. IV.
c. 47, to this Colony.

WHEREAS it is expedient that such parts of an Act, passed in the first year of His late Majesty's reign, entitled "An Act for consolidating and amending the Laws for facilitating the Payment of Debts out of Real Estate," and of an Act passed in the third and fourth years of His late Majesty's reign, entitled "An Act to render Freehold and Copyhold Estates assets for the payment of Simple-Contract Debts," and of an Act passed in the first year of His late Majesty's reign, entitled "An Act for making better provision for the Disposal of the undisposed Residues of the assets of Testators," as are applicable to this Colony, should be extended thereto: We, Your Majesty's most dutiful and loyal subjects, the President and Commander-in-Chief for the time being, the Council, and Assembly of the Island of St. Vincent and its Dependencies, humbly pray Your Most Excellent Majesty that it may be enacted, *And be it and it is hereby enacted* by the authority aforesaid, That the first clause of an Act passed in first year

of His late Majesty's reign, entitled "An Act for consolidating and amending the laws for facilitating the Payment of Debts out of Real Estate," being a repeal of certain Acts of Parliament some of which were in force in the Colony, shall be in force in, and the same is hereby extended to, these Islands: and every word in this Act importing the singular number only shall extend and be applied to several persons or things as well as one person or thing; and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

That all Wills and Testamentary limitations, dispositions, or appointments already made by persons now in being, or hereafter to be made by any person or persons whomsoever, of or concerning any messuages, lands, tenements, or hereditaments, or any rent, profit, term, or charge out of the same, whereof any person at the time of his decease shall be seized in fee simple, in possession, reversion, or remainder, or have power to dispose of the same by his last Will or Testament, shall be deemed or taken (only as against such person and his heirs, successors, executors, administrators, and assigns and every of them, with whom the person making any such Will or Testament, limitation, disposition, or appointment shall have entered into any bond, covenant, or other specialty binding his heirs) to be fraudulent, and clearly, absolutely, and utterly void, frustrate, and of none effect; any pretence, colour, feigned or presumed consideration, or any other matter or thing to the contrary notwithstanding.

That in the cases before mentioned every such Creditor shall and may have and maintain his action, and action of debt or covenant, upon the said bonds, covenants, and specialties, against the heir-at-law of such obligor, covenantor, and such devisee, or the devisee of such first-mentioned devisee, jointly, by virtue of this Act, and such devisee shall be liable and chargeable for a false plea by him pleaded in the same manner as any heir would have been for any false plea by him pleaded, or for not confessing the lands or tenements to him descended.

That if in any case there shall not be any Heir-at-Law against whom, jointly with the Devisee, a remedy is hereby given, in every such case every Creditor to whom by this Act relief is so given shall and may have and maintain his action of debt or covenant, as the case may be, against such Devisee solely, and such devisee shall be liable for any false plea as aforesaid.

Provided always, That where there hath been or shall be any limitation or appointment, devise or disposition of or concerning any messuages, lands, tenements, or hereditaments, for the raising or payment of any real and just debt, or any portion or sum of money for any child of any person, according to or in pursuance of any marriage contract or agreement in writing *bonâ fide* made before such marriage, the same and every of them shall be in full force; and the same messuages, lands, tenements, and hereditaments shall and may be holden and enjoyed by every such person, his executors, administrators, and assigns, for whom the said limitation, appointment, devise, or disposition was made, and by his trustee, his heirs, executors, administrators, and assigns, for such estate or interest as shall be so limited or appointed, devised or disposed, until such debt or portion shall be raised, paid, and satisfied.

That in all cases where any Heir-at-Law shall be liable to pay the debts or perform the covenants of his Ancestors in regard of any lands, tenements, or hereditaments descended to him, and shall sell, alien, or make over the same before any action brought or process sued out against him, such Heir-at-law shall be answerable for such debts or covenants in an action of debt or covenant to the value of the said lands so by him sold, aliened, or made over, in which cases all Creditors shall be preferred as in actions against executors and administrators; and such Execution shall be taken out upon any Judgment so obtained against such Heir, to the value of the said land, as if the same were his own proper debt; saving that the lands, tenements, and hereditaments *bonâ fide* aliened before the action brought shall not be liable to such execution.

That where any action of debt or covenant upon any specialty is

No. 37.
8th August, 1840.

CL. II.
For remedying frauds committed on creditors by Wills.

CL. III.
Enabling Creditors to recover upon bonds, &c.

CL. IV.
If there is no Heir-at-Law, actions may be maintained against the Devisee.

CL. V.
Not to affect limitations for just debts or portions for children.

CL. VI.
Heir-at-Law to be answerable for debts, although he may sell the estates before action is brought.

No. 37.
8th August, 1840.

CL. VII.
Where an action of
debt is brought
against the Heir, he
may plead *rien par*
descent.

CL. VIII.
Devises to be liable
the same as the Heir-
at-Law.

CL. IX.
The *Parol* shall not
demur by or against
infants.

CL. X.
Infants to make con-
veyances under order
of the Court.

CL. XI.
Persons having a Life
interest may convey
the Fee if the estate is
ordered to be sold.

CL. XII.
Freehold estates in all
cases to be assets for
the payment of Simple
Contract or Specialty
debts.
3 & 4 Wm. IV. c. 104.

brought against the Heir, he may plead *rien par descent* at the time of the commencement of the suit against him, and the plaintiff in such action may reply that he had lands, tenements, or hereditaments from his Ancestors before the commencement of the suit; and if upon the issue joined thereupon it be found for the plaintiff, the Jury shall inquire of the value of the lands, tenements, or hereditaments so descended, and thereupon Judgment shall be given and execution shall be awarded as aforesaid; but if Judgment be given against such Heir by confession of the action without confessing the assets descended, or upon demurrer, or *nihil dicit*, it shall be for the debt and damage, without any writ to inquire of the lands, tenements, or hereditaments so descended.

That the Devisee made liable by this Act shall be liable and chargeable in the same manner as the Heir-at-Law by force of this Act, notwithstanding the lands, tenements, and hereditaments to him or them devised shall be aliened before the action brought.

That where any action, suit, or other proceeding for the payment of debts or any other purpose shall be commenced or prosecuted by or against any infant under the age of twenty-one years, either alone or together with any other person, the *Parol* shall not demur, but such action, suit, or other proceeding shall be prosecuted and carried on in the same manner and as effectually as any action or suit could, before the passing of this Act, be carried on or prosecuted by or against any infant, where according to law the *Parol* did not demur.

That where any suit hath been or shall be instituted in any Court of Equity for the payment of any debts of any persons deceased, to which their Heir or Devisee may be subject or liable, and such Court of Equity shall decree the estates liable to such debts, or any of them, to be sold for satisfaction of such debts, and by reason of the Infancy of any such Heir or Devisee an immediate conveyance thereof cannot, as the Law at present stands, be compelled, in every such case such Court shall direct, and if necessary compel, such Infant to convey such estates so to be sold (by all proper Assurances in the Law) to the purchaser thereof, and in such manner as the said Court shall think proper and direct; and every such Infant shall make such conveyance accordingly; and every such conveyance shall be as valid and effectual to all intents and purposes as if such person being an Infant was at the time of executing the same of the full age of Twenty-one years.

That where any Lands, tenements, or hereditaments have been or shall be devised in settlement by any person whose estate under this Act, or by Law, or by his Will, shall be liable to the payment of any of his debts, and by such devise shall be vested in any person for Life or other limited interest, with any remainder, limitation, or gift over which may not be vested, or may be vested in some person from whom a conveyance or other assurance of the same cannot be obtained, or by way of executory devise; and a Decree shall be made for the sale thereof for the payment of such debts or any of them, it shall be lawful for the Court by whom such decree shall be made to direct any such Tenant for Life, or other person having a limited interest, or the first executory devisee thereof, to convey, release, assign, surrender, or otherwise assure the Fee Simple, or other the whole interest or interests so to be sold, to the purchaser or purchasers, or in such manner as the said Court shall think proper; and every such conveyance, release, surrender, assignment, or other assurance shall be as effectual as if the person who shall make and execute the same were seized or possessed of the Fee Simple or other whole estate so to be sold.

That when any person shall die seized of or entitled to any estate or interest in lands, tenements, or hereditaments, corporeal or incorporeal, or other Real Estate, whether freehold or otherwise, which he shall not by his Last Will have charged with or devised subject to the payment of his debts, the same shall be assets to be administered in Courts of Equity for the payment of the just debts of such persons, as well debts due on Simple-Contract as on Specialty; and that the Heir-at-Law and Devisee of such debtor shall be liable to all the same suits in Equity at the suit of any of the creditors of such debtor, whether creditors by simple Contract or by Specialty,

as the heir-at-law or devisee of any person who died seized of freehold estates was before the passing of this Act liable to in respect of such freehold estates at the suit of creditors by specialty in which the heirs were bound: *Provided always*, That in the administration of assets by Courts of Equity, under and by virtue of this Act, all creditors by specialty in which the heirs are bound shall be paid the full amount of the debts due to them before any of the creditors by simple contract or by specialty, in which the heirs are not bound, shall be paid any part of the demands.

That when any person shall die after the first day of January next after the passing of this Act, having by his Will or any Codicil thereto appointed any person to be his Executor, such executor shall be deemed by Courts of Equity to be a trustee for the person (if any) who would be entitled to the estate under the Statute of Distributions in respect of any residue not expressly disposed of, unless it shall appear by the Will or any Codicil thereto the person so appointed executor was intended to take such residue beneficially.

Provided, That nothing herein contained shall affect or prejudice any right to which any Executor, if this Act had not been passed, would have been entitled in cases where there is not any person who would be entitled to the testator's estate, under the statute of distributions, in respect of any residue not expressly disposed of.

No. 37.
8th August, 1840.

CL. XIII.
Executors to be deemed Trustees for persons entitled to any residue under the Statute of Distributions, unless otherwise directed.

CL. XIV.
Not to affect the rights of Executors where there is not any person entitled to the residue.

No. 38.

An Act for providing a Salary for the Rector of Bequia and the Grenadines.
[17th November, 1840.]

WHEREAS it is indispensably necessary that a proper provision should be made for the support and maintenance of the Clergymen who may from time to time be appointed to the different Benefices within this Government, We, therefore, Your Majesty's most dutiful and loyal subjects, His Honour the President and Commander-in-Chief for the time being in and over the Island of St. Vincent and its Dependencies, and the Council and Assembly of the same, pray Your Most Excellent Majesty that it may be enacted, *And be it and it is hereby enacted* by the authority aforesaid, That there shall be paid by the Public Treasurer of this Island one annual and clear sum of Three Hundred Pounds sterling, in four equal quarterly payments, to the Rector appointed for the Grenadines or to his order, from the date of his presentation, as a Stipend or Salary during his actual residence in the Grenadines, and as long as he shall perform the duties of Rector therein, and no longer, and the first payment thereof be made on his producing to the Public Treasurer of this Colony or his lawful Deputy a Certificate of his having duly recorded in the Secretary's Office of this Island his Presentation to and Induction into the said Living.

CL. I.
Granting a salary of 300*l.* sterling to the Rector of the Grenadines.

No. 39.

An Act to promote and encourage Steam Navigation between this Island and Great Britain for Conveyance of Mails and Passengers.
[17th November, 1840.]

WHEREAS it is expedient to permit and encourage a more speedy means of intercourse between this Colony and Great Britain by Steam Navigation, *Be it enacted* by the Commander-in-Chief for the time being, the Council, and Assembly of the said Island of St. Vincent and its Dependencies, *And it is hereby enacted and ordained* by the authorities of the same, That from and after the passing of this Act, all steam-vessels employed in carrying the Mail between this Island and Great Britain and between this and the surrounding Islands and places, shall be permitted to enter the ports of this Island, and again to depart therefrom, free and exempt from all tonnage-dues and fees, in the same manner as the present Government Packets are now exempted from these charges.

CL. I.
Steam-vessels employed in conveying Mails exempt from tonnage duties and fees.

No. 39.
17th November, 1840.

CL. II.
Vessels employed in
importing coals for the
use of steam-vessels
exempt in like manner.
Proviso.

That they take no
cargo from the Island.

CL. III.
Regulations respecting
anchorage and land-
ing of goods.

* That all vessels employed in importing coals for the use of the steam-vessels aforesaid, shall be free and exempt from tonnage and other fees: *Provided always*, That such vessels import no other cargo whatever, and that they take no cargo of any description whatever from the Island; and provided further that proof be given, to the satisfaction of the Collector and Officers of the Customs, that the coals so imported are solely for the use of such steam-vessel, and that they are deposited in a depôt to be appropriated exclusively for that purpose.

That on the arrival of any such steam-boat or vessel, the same shall come to anchor in such place as may be appointed by the Royal Mail Steam-Packet Company, and that the commander of the said steam-boat or vessel or the next Chief Officer shall deliver to the Collector and Comptroller of Her Majesty's Customs, at the port of entry, a manifest of all goods, wares, and merchandize on board the said steam-boat or vessel, specifying the marks and numbers, the nature and contents of the packages as far as he is able to ascertain the same, together with the names of the shippers and the party to whom consigned; and that no goods be landed from the said steam-boat or vessel but by an order from the Collector and Comptroller of Her Majesty's Customs, and under such Regulations as shall be established by the Collector and Comptroller of Her Majesty's Customs at the Port of Kingstown, subject to the approval of the Commander-in-Chief for the time being.

No. 40.

An Act to amend the Laws relating to Marriage in this Island and its Dependencies. [3rd March, 1841.]

CL. I.
Any Minister of the
Christian Religion
may publish Banns
and solemnize Mar-
riage; the manner in
which such Banns are
to be published.

WHEREAS it is expedient to amend the Marriage Law of this Island; *Be it therefore enacted* by the Commander-in-Chief for the time being, the Council, and Assembly of this Island and its Dependencies, and by the authority of the same, That from and after the passing of this Act, it shall be lawful for any Minister of the Christian Religion, ordained or otherwise set apart to the Ministry of the Christian Religion according to the usage of the persuasion to which he may belong, to publish within this Island and its Dependencies Banns of Marriage between persons desirous of being joined together in Matrimony; and such publication shall be made in an audible manner, some time during public Divine Service on a Sunday, in the face of the congregation before whom such Minister shall officiate, in the parish in which both or one of the parties to be married shall dwell, and shall contain the Christian and other name and surname and place of abode of each of the said parties, and shall be so published by some such Minister, for three Sundays preceeding the solemnization of the Marriage, during the morning service, if there be service in the morning, or if there shall be no morning service, then during the evening service; and if the parties to be married shall dwell in different parishes, the Banns shall be published in like manner in both such parishes; and if the said parties shall be of different persuasions, the Banns shall be published in like manner before each of the congregations to which the said parties may respectively belong, whether both the said congregations shall assemble in the same parish or not; and in cases where the Banns shall have been published in different places the Officiating Minister at either of the said places shall, on the request of both or either of the parties whose Banns shall have been published as aforesaid, give to the party requiring the same a certificate of the Banns having been duly published in the place of which he is an Officiating Minister, and on the production of such certificate to the Officiating Minister of the other place where the Banns were published, or of such certificates to any other such Minister as aforesaid in the parish to which one of the parties shall belong, it shall be lawful for such Minister where the Banns were published, on receiving such certificate from such other Minister where the Banns were published, or for such Minister as aforesaid to whom the certificates of such Ministers of both places where the Banns were published, on receipt of such certificate or certificates (as

the case may be) to solemnize Matrimony between the said parties according to such form and ceremony as shall be in use or be adopted by the persuasion to which the Ministers solemnizing such Marriage shall belong: *Provided*, That whenever the form and ceremony used shall be other than that of the United Church of England and Ireland, each of the parties shall in some part of the ceremony make the following declaration:—"I do solemnly declare that I know not of any lawful impediment why I *A. B.* may not be joined in Matrimony to *C. D.*, here present." And each of the parties shall say to the other:—"I call upon these persons here present to witness that I *A. B.* do take thee *C. D.* to be my lawful wedded wife [or husband]; and provided also that there be no lawful impediment to the marriage of such parties."

That no Minister shall be obliged to publish Banns between any persons whomsoever, unless the persons to be married shall two days at the least before the time required for the first publication of such Banns respectively deliver or cause to be delivered to such Minister a notice of their true Christian and other names and surnames, and a description of their place or respective places of abode in such parish as aforesaid, and the time during which they have dwelt in such parish or parishes; and that it shall not be lawful for any Minister to solemnize any Marriage after three calendar months from the last publication of Banns of such Marriage; and in all cases where three calendar months shall have elapsed without the Marriage having been solemnized, the publication of such Banns shall be void, and before the said parties can be married by Banns it shall be necessary to republish the Banns anew in manner and form aforesaid, as if no Banns had ever been published between them.

That no such Minister as aforesaid, who shall solemnize any Marriage after due publication of Banns as aforesaid between persons both or one of whom (not being a widow or widower) shall at the time of such Marriage be under legal age, shall be answerable, or responsible, or liable to any pain, penalty, or proceeding for having solemnized such Marriage without the consent of the parents or guardians, or other person (if any) whose consent is required by law, unless such parents or guardians, or other person or one of them, shall forbid the Marriage, and give notice thereof to such Minister before he has solemnized the same; and in case such Marriage shall be forbidden as aforesaid, and such notice shall be given as aforesaid, the publication of the Banns for such Marriage shall be absolutely void.

That where by any law now in force, or which may hereafter be in force in this Island and its Dependencies, by which Licence for Marriage without the publication of Banns may be granted or issued by the Governor or any Civil authority herein, it shall be lawful for the parties intending Marriage or either of them to require that such Licence shall authorize the solemnization of the Marriage in respect of which such Licence is applied for in any place where, and by any Minister by whom, such Marriage could have been solemnized, by virtue of this Act if Banns thereof had been published as aforesaid.

And whereas it may happen that in this Island or its Dependencies there may not be any such Minister as aforesaid, or not a sufficient number of Ministers to afford convenient facilities for Marriage, and it is expedient to provide for such cases; *Be it therefore further enacted*. That in every such case and whenever the same shall happen, it shall be lawful for the Governor to appoint, by writing under his hand and official seal, one or more such fit and proper person or persons as he shall from time to time deem necessary or expedient, to be called the Marriage Officer, to solemnize Marriages within such part or parts of this Island and its Dependencies as the Governor shall from time to time direct, and it shall be lawful for the Governor at any time and from time to time to revoke and cancel any such appointment or appointments, to alter, vary, enlarge, or contract the district or districts in which any person so appointed shall have power or jurisdiction to celebrate Marriage, for any cause which to him shall seem meet; and every such appointment shall specify the part or district in which the person thereby appointed shall have power and jurisdiction to celebrate the Marriage; and until some law shall be made, passed, allowed, and pro-

No. 40.
3rd March, 1841.

Proviso.

Where the form to be used differs from that of the Established Church, a declaration to be made by the parties.

CL. II.

Minister not obliged to publish Banns unless the Christian and surnames of the parties, their places of abode, &c., be laid before him two days previous to the first publication.

Not lawful for Minister to solemnize Marriage after three months from last publication of Banns; and in such case former Banns to be void, and must be republished.

CL. III.

Minister not answerable for Marriage solemnized by him between minors, after due publication of Banns.

Banns to be void on Marriage being forbidden.

CL. IV.

Parties to be married by Licence may require such Licence to authorize its solemnization in the same places and by the same Ministers as by Banns.

CL. V.

Authorizes the Governor, in case of there not being a sufficient number of Ministers to afford convenient facilities for Marriage to appoint Marriage Officers for such purpose.

No. 40.
3rd March, 1841.

Provisoos.

Unlawful for Officer, where parties are under age and Marriage has been forbidden, to solemnize the same.

Persons to be married by such Officer, and not in accordance with the form of Established Church, to make declaration above set forth.

Minister authorized to publish Banns, or celebrate Marriage within the jurisdiction of the Officer, as fully as if he had not been appointed.

CL. VI.
Governor or Ordinary may authorize solemnization of Marriage in case of consent being withheld, or incapable of being given, on petition being made and Marriage proposal appearing to him to be proper.

CL. VII.
Not necessary after solemnization of Marriage, in support of such Marriage, or in action, suit, &c., to give proof of the actual dwelling of parties married.

CL. VIII.
On Act taking effect, no suit or proceeding to be had in any Court to compel celebration of Marriage by reason of contract, seduction, or otherwise.

Not to extend to prevention of suit or recovery of damages in any Court or proceeding by which such damages may be obtained.

CL. IX.
Manner and time in which Marriages are to be solemnized, and how registered.

mulgated for regulating Marriages by the person so appointed, it shall be lawful for the Governor, and he is hereby required to direct, declare, and promulgate the manner by which the intention of parties to marry before any such Marriage Officer shall be made public: *Provided always*, That it shall not be lawful for any such Marriage Officer to solemnize Marriage between persons one or both of whom shall be under lawful age (unless in the case of a widow or widower), after such Marriage shall be forbidden, and notice thereof given him by any person having lawful authority to forbid the same: *Provided always*, That in every Marriage before any such Marriage Officer, not celebrated according to the form of the United Church of England and Ireland, the parties shall, in some part of the ceremony, respectively make the declarations hereinbefore set forth, as in the case of Marriage by any such Minister as aforesaid; *Provided also*, That every such Minister as aforesaid may nevertheless publish Banns and celebrate Marriage, under and by virtue of this Act, in any part or district within which any such Marriage Officer shall have power or jurisdiction to celebrate Marriage, as fully as if no such Marriage Officer had ever been appointed.

And whereas it may happen that the parents or parent, guardians or guardian of one or both of the parties to be married may be *non compos mentis*, or absent from this Island or its Dependencies, or otherwise incapable in law or in fact of consenting, or may be induced unreasonably and improperly to withhold his, her, or their consent to a proper Marriage, or may be dead; *Be it therefore enacted*, That in case any such parent or guardian whose consent is necessary to a Marriage shall be *non compos mentis*, or absent from this Colony, or otherwise incapable as aforesaid of consenting, or shall withhold his, her, or their consent to any Marriage, or in case there shall be no person capable of consenting, it shall be lawful for any person desirous of Marriage to whose Marriage such consent is necessary, but cannot be given or is withheld, to apply by Petition to the Governor or Ordinary, or person officiating as such for the time being, who is hereby empowered to proceed upon such petition in a summary way; and, in case the Marriage proposal shall upon examination appear to him to be proper, the said Governor or Ordinary, or person officiating as such, shall judicially declare by his order in writing that such Marriage is proper and may be solemnized forthwith; and every Marriage duly solemnized in pursuance or under the authority or direction of such order shall be as good, valid, and effectual, to all intents and purposes whatsoever as if such consent as aforesaid had been duly given thereto.

That after the solemnization of any Marriage under or by virtue of this Act it shall not be necessary in support of such Marriage, or in any action, suit, or proceeding where the same may come into question, to give any proof of the actual dwelling of the parties married, or either of them, before the Marriage, or that the Banns were published, or that the Marriage was solemnized in that place and by a person where and by whom the same ought to have been published and solemnized respectively, nor shall any evidence be received to prove the contrary.

That in no case whatsoever shall any suit or proceeding be had in any Court, or before any jurisdiction whatsoever, to compel the celebration of any Marriage, by reason of any promise or Marriage contract entered into, or by reason of seduction, or of any cause whatsoever which shall arise after the taking effect of this Act, any law or usage to the contrary notwithstanding: *Provided always*, That nothing herein contained shall prevent any person aggrieved from suing for or recovering damages in any Court, or by any proceeding wherein and whereby damages may be lawfully recovered for breach of promise of marriage, or for seduction, or other cause aforesaid.

And in order to preserve evidence of Marriages, and to make the proof thereof certain and easy, and for the direction of such Ministers and Marriage Officers as aforesaid in the registration thereof; *Be it enacted*, That from and after the passing of this Act, all Marriages (except Marriages by Special Licence to marry at any time and place where such Special Licences can be lawfully granted) shall be solemnized with open doors, between the hours of eight in the forenoon and twelve at noon, in the presence of two or

No. 40.
3rd March, 1841.

more credible witnesses besides the Minister or Marriage Officer who shall solemnize the same, and that immediately after the solemnization of every Marriage an entry thereof shall be made in a Marriage Register Book to be kept for that purpose by some such Minister or Marriage Officer as aforesaid, or in some safe custody, for the place in which Marriages may be solemnized; and in every such entry in every such Register it shall be expressed that the Marriage was had by Banns or Licence, and if both or either of the parties married by Licence be under age, and not a widow or widower, that it was had with the consent of the parents or guardians or other person or persons having lawful authority to withhold consent to the Marriage, or after such order of the Governor or Ordinary, or other person officiating as such as aforesaid, and shall be signed by the Minister or Marriage Officer, as the case may be, with his proper addition and by the parties married, and shall be attested by such two witnesses; and every such entry shall be in the form or to the effect of the following specimen:—

(Year.)

ORIGINAL REGISTER.

Form of Register.

Marriages solemnized at _____, in the Parish of _____, in the Island of St. Vincent [or in the Grenadines, as the case may be], year _____.

No. 1.	When married.	Names and Surnames.	Ages.	Condition.	Rank or Profession.	Residence at the Time of Marriage.	After Banns or Licence.	Consent by whom given, or Judge's Order.
1.	1st of Year	A. B. C. D.	Full Age. Minor.	Bachelor. Spinster.	Car-penter.		After Banns.	A. B., the Father.

Married in the [place and Parish] at St. Vincent aforesaid, after by me, A. B.

This Marriage was solemnized between us,

C. D. } In the presence of { G. H.
E. F. } I. K.

And of every such entry, at the same time before the parties depart, shall then and there be made on a separate piece of paper, a duplicate original Register, in which the same matter shall be entered and signed and attested by the same parties, in manner or to the effect of the following specimen:—

Duplicate of Register to be made.

(Year.)

DUPLICATE ORIGINAL REGISTER.

Marriages solemnized at _____, in the Parish of _____, in the Island of St. Vincent [or in the Grenadines, as the case may be], year _____.

No. 1.	When married.	Names and Surnames.	Ages.	Condition.	Rank or Profession.	Residence at the Time of Marriage.	After Banns or Licence.	Consent by whom given, or Judge's Order.
1.	1st of Year	A. B. C. D.	Full Age. Minor.	Bachelor. Spinster.	Car-penter.		After Banns.	A. B., the Father.

Married in the [place and Parish] at _____ aforesaid, after Banns, by me, A. B.

This Marriage was solemnized between us,

A. B. } In the presence of { E. F.
C. D. } G. H.

Examined with the original Register by me, and found to be correct.

A. B.

No. 40.
3rd March, 1841.

Duplicate original Register to be left in the hands of Minister or Officer solemnizing Marriage, and to be transmitted to Registrar to be filed by him, and be good evidence in all Courts and proceedings whatsoever.

Which said duplicate original Register shall be left in the hands of the Minister or Marriage Officer by whom the Marriage was solemnized; and every duplicate [of] such original Register shall within one calendar month from the date thereof be transmitted to the Registrar in Ordinary of this Island and its Dependencies, and all such duplicates shall be filed and safely preserved by him in his office; and every such original Register, and also every copy thereof certified under the hand of the Minister or Marriage Officer who for the time being shall have the lawful custody of the original to be a true copy, and every such duplicate original Register, and also every copy thereof certified under the hand of the Registrar in Ordinary of this Island and its Dependencies to be a true copy, shall respectively be good evidence of the facts therein recorded, in pursuance of this Act, in and before all Courts and proceedings whatsoever in which it shall be necessary to give evidence of the Marriage to which the same shall relate.

CL. X.

All persons authorized to search Registers in the presence of the person having charge of the same, and to require certified copies thereof.

That it shall be lawful for all persons, at all reasonable times in the day (except Sundays), to search the original Register Book, and also the file of duplicate original Registers, in the presence of the person for the time being having the care of the same respectively or his Deputy, and to have a true copy or true copies of any entries or entry therein, or filed as aforesaid, certified under the hand of the Minister, Marriage Officer, or Officer for the time being respectively having the custody of the original or duplicate original Register as aforesaid (as the case may be), which true copy or true copies such Minister, Marriage Officer, or Registrar in Ordinary is hereby required to make, examine, and certify under his hand to be a true copy in the form of a duplicate original Register, except that the same shall be headed "certified copy" (or copies) "of original" (or duplicate original) "Marriage Register," (as the case may be), and shall be dated on the day, month, and year when the same shall be delivered.

CL. XI.

Fees payable previous to performance of duty.

That in order to meet the expense, and as a remuneration for the trouble occasioned by the performance of any duty under this Act, the following fees shall be demandable and payable before the performance of the duty to which the same respectively relate, that is to say:—

	Sterling.
For solemnizing and registering a Marriage, and transmitting the duplicate original to the Secretary	4s.
For every general search not directed to any particular entry	2
For every search for a particular entry	1
For every search for two or more particular entries, and not exceeding four entries—each	1
For every search for any number of particular entries exceeding four	4
For every such certified copy, aforesaid	2

Provisoos.

Not to extend to prevent Clergymen of Established Church from receiving accustomed fees.

That Marriages be not contrary to Rubric.

Governor may authorize further remuneration to Marriage Officers.

Provided always, That nothing herein contained shall prevent any Clergyman of the Established Church of England and Ireland from receiving, for any duty performed by him under this Act, such fees or payments as have heretofore been customarily paid to such Clergymen, according to the rules of the said Church, for the performance of such duties respectively: *Provided always*, That nothing in this Act contained shall authorize or require any Clergyman of the Established Church aforesaid to solemnize Marriage in any other manner than is prescribed by the Rubric; *Provided also*, That it shall be lawful for the Governor to authorize such Marriage Officers as aforesaid to receive such further or other remuneration as he shall from time to time think the nature of their duties shall reasonably require.

CL. XII.

Persons wilfully obliterating or destroying Registers deemed guilty of Misdemeanour, and how punished.

That if any person shall unlawfully, wilfully, and maliciously erase, obliterate, or destroy, or cause or procure to be erased, obliterated, or destroyed, any such original Register or duplicate original Register as aforesaid, such person shall be deemed guilty of a Misdemeanour, and on being duly convicted thereof, shall be liable to be imprisoned in the Common Gaol of this Island for any term not less than three nor exceeding twelve calendar months; and if any person shall unlawfully and wilfully forge or alter, or falsely make or cause, or permit to be forged or altered or falsely made, any such original Register or duplicate original Register, or any cer-

tified copy thereof respectively, or shall knowingly and wilfully deliver, offer, utter, or put off any such forged, false, or altered copy, he shall be liable for such his offence, on conviction thereof, to be imprisoned in the said gaol for any term not exceeding eighteen months nor less than six months.

And whereas doubts exist as to the validity of certain Marriages contracted and solemnized previous to the abolition of slavery in this Island between Slaves, and between parties one of whom was a slave, and also in some cases between free persons of colour, and since the abolition of slavery between apprentices and other persons of free condition, by Ministers of the Christian Religion other than Clergymen of the United Church of England and Ireland; and it is expedient and necessary that all such doubts should be removed, and such Marriages and reputed Marriages should be ascertained and confirmed; and that all persons who may have solemnized any such Marriages or reputed Marriages, or who have in any manner assisted thereat, should be indemnified from and against all pains, penalties, forfeitures, and proceedings to which such persons or any of them may be liable; *Therefore be it further enacted*, That all Marriages which at any time before the passing of this Act shall have been solemnized in this Island or its Dependencies by or before any such Minister of the Christian Religion as aforesaid, shall be and the same are hereby declared to be and to have been, from the time of the solemnization thereof respectively, good, valid, and effectual, to all intents and purposes whatsoever, any law or usage to the contrary thereof in anywise notwithstanding; and all pains, penalties, forfeitures, and proceedings, of whatsoever kind or description, which any such Christian Minister may have incurred or become liable to before the taking effect of this Act, by reason of his having solemnized or assisted at any Marriage whatsoever, or in anywise in relation thereto, is and are hereby remitted, released, repealed, and made void: *Provided always*, That in all cases of Marriages solemnized as aforesaid it shall be necessary, in order to give validity to the same, that a return of every such Marriage shall be duly lodged with the Registrar in Ordinary in this Colony within six months from the publication of this Act, as is hereinafter provided.

And whereas Registers may have been duly made and kept by such Ministers as aforesaid who officiated thereat, *It is therefore further enacted*, That all such Registers, and all copies thereof respectively certified under the hand of the person for the time being having the lawful care of the same to be true copies, shall be and are hereby declared to be good evidence of such Marriages as aforesaid respectively, as fully as if such Registers had been made and kept, and such certified copies had been made respectively by persons appointed by law to make and keep the same, and shall be received in evidence in all Courts and before all Judges and Magistrates.

That the better to preserve evidence of Marriages so registered and to facilitate the proof thereof, every person in whose custody any Register lawfully is, or shall be at the time, shall within six months after the publication of this Act, respectively, make or cause to be made a fair and correct copy of every such Register and of every entry therein contained; and it shall be lawful for any such Christian Minister as aforesaid to examine, verify, and correct (if and where found incorrect) by the original any such copy of a Register kept by the persuasion to which he belongs, and to take the same before any Magistrate and make and sign the following Declaration, which any Magistrate to whom the same shall be tendered is hereby authorized and required to receive and to certify in manner following, that is to say:—

I A. B. [*describe the persuasion to which he belongs*] do hereby solemnly, sincerely, and truly declare that I have carefully examined this copy, beginning the _____ day of [*month and year*], and ending on the _____ day of [*month and year*], and containing _____ pages, and _____ entries of Marriages, with the original Register; and I believe the same to be throughout a true and faithful copy of the original Register of which it purports to be a copy.

The said A. B. appeared this _____ day of _____, before C. D., one of Her Majesty's Justices of the Peace in and for _____ and made and signed the above Declaration in my presence.

(Signed)

E. F.

No. 40.
3rd March, 1841.

CL. XIII.
As to Marriages of
Slaves, &c.

Marriages solemnized
by Ministers of Christian
Religion before
passing of this Act declared
good, valid, and
effectual, to all intents
and purposes whatsoever.

Proviso.
Necessary to give validity
to Marriages,
that a return be lodged
with the Registrar
within six months from
publication of Act.

CL. XIV
Registers kept by persons
officiating at
Marriages, certified by
him as true copy, to
be good evidence in
all cases.

CL. XV.
Persons having custody
of Registers to
make correct copy of
the same and of every
entry therein, within
six months from publication
of Act, &c.

Form of Declaration.

No. 40.
3rd March, 1841.

Declaration and Certificate to be sent to Registrar, to be kept with Register of Marriages.

CL. XVI.
Marriages during Slavery.

Persons within one year after passing of Act to solemnize Marriages before Clergy-men of Established Church.

Form of Declaration.

Ceremony to have relation to Marriages *de facto*, and children to be deemed born in wedlock, &c.

Provisoes.
Not to require Licence or publication of Banns.

That the parties be not subsequently married.

CL. XVII.
Meaning of word Governor.

CL. XVIII.
Christian Minister liable to same pains and penalties as Ministers of the Established Church.

Which Declaration and Magistrate's Certificate thereof shall be entered and signed at the end of the copy to which it relates, and the copy shall then be securely sealed up and forthwith sent to the Registrar in Ordinary of this Island and its Dependencies, to be opened by him [and] kept with the Registers of Marriages in his Office, where the same may be searched; and every copy of an entry therein certified under his hand to be a true copy shall be of the same force and effect as any certified copy which he is hereby required to make, and may receive payment for as in other cases: And if any such Minister as aforesaid shall wilfully make and sign any such Declaration, knowing the same to be false, he shall be liable to the pains and penalties to which persons guilty of wilful and corrupt Perjury are liable.

And whereas, in consequence of imperfect instruction in the Christian Religion and from other causes, many Marriages *de facto* have taken place between persons one or both of whom were in the condition of Slavery, but which Marriages *de facto* have never been sanctioned by any public ceremony or formally registered; and in many such cases the parties have had offspring of such last-mentioned Marriages; and it is expedient that provision should be forthwith made for enabling such persons to confer upon their children the benefit of children born in Lawful Wedlock; *It is therefore further enacted*, That it shall be lawful for all persons having contracted Marriages as last aforesaid, at any time within one year after the coming into operation of this Act, duly to solemnize the Marriage Ceremony before any Clergyman of the Established Church, or in any other manner authorized by this Act; and every person so recognizing a previous Marriage *de facto* shall at the same time make and sign the following Declaration, which shall also be attested by the witnesses present and signed by the Minister or Marriage Officer before whom the ceremony is performed:—

We *A. B.* and *C. D.* do hereby severally, solemnly, sincerely, and truly declare, that on the day of , or thereabout, at , We the said *A. B.* and *C. D.* intermarried with each other, and that we have had issue of the said Marriage children, and no more, namely:—
[*Here state the name and ages of the children, if any be dead, and state the facts*], and that we have not been legally married to any other person since we so intermarried with each other.

(Signed) *A. B.* *C. D.*

X. Y.

And such Marriage Ceremony shall have relation back to the time of the Marriage *de facto*, and all such children shall be deemed and taken to be born in Holy Wedlock, and shall possess and enjoy all the rights, privileges, and advantages of the persons born in Lawful Wedlock; and to preserve evidence thereof a duplicate original Declaration shall then and there, before the parties depart, be made, signed, and attested in the same manner, and the original Declaration shall be appended to and kept with the original Register, and the duplicate original Declaration shall be appended to, sent, and kept with the duplicate original Register, and shall for all purposes of evidence be deemed part thereof respectively: *Provided always*, and it is hereby declared, That such last-mentioned Ceremony and Declaration may be performed and made without the previous publication of Banns or a Licence: *Provided also*, That neither of such parties shall have been legally married subsequently to any such Marriage *de facto*.

That the word "Governor" in this Act shall be taken to mean the Governor or other Officer lawfully administering the Government of this Island and its Dependencies.

That every such Christian Minister as aforesaid, not being of the United Church of England and Ireland, and every such Marriage Officer as aforesaid, who shall celebrate any Marriage contrary to Law, shall be liable to the like pains and penalties as are imposed by law on Ministers of the said United Church for solemnizing Marriages otherwise than according to Law.

No. 41.

An Act to appropriate certain Lots of Land in Barrouallie for the building thereon of a Church, and vesting the same in the Rector of the Parishes of St. Patrick and St. David. [27th July, 1841.]

WHEREAS the land in Barrouallie appropriated by the Commissioners for the Sale of Public Lands for the building thereon of a Church has been deemed ineligible: *And whereas* the Commissioners recently appointed for the building of Churches in this Island have in a Report to the Executive recommended that certain lots of land in the town of Barrouallie, originally reserved for a Market-place but never used as such, be substituted: *Be it therefore enacted* by the Commander-in-Chief for the time being, the Council, and Assembly of the Island of St. Vincent and its Dependencies, That certain lots of land in the town of Barrouallie, in the parish of St. Patrick, distinguished in the plan of the said town as numbers twenty-three, twenty-four, and twenty-five, shall from and after the publication of this Act be appropriated for the building of a Church thereon, and the same shall be and is hereby vested in the Rector of the said parishes for the time being and his successors.

Preamble.

C. I.
Appropriates certain lots of land in Barrouallie for building a Church.

No. 42.

An Act to authorize the Enrolment in the Secretary's Office of this Island of authenticated Copies of the Charter and Supplemental Charter of the Colonial Bank, and to render the same, or certified Copies thereof, legal Evidence. [22nd February, 1842.]

WHEREAS His late Most Gracious Majesty King William the Fourth, by his Letters Patent bearing date at Westminster the first day of June in the sixth year of his reign, did give, grant, make, ordain, constitute, declare, and appoint that John Irving, Andrew Colville, Æneas Barkly, David Barclay, James Cavan, John Alexander Hankey, William Tetlow Hibbert, John Gurney Hore, John Irving (the younger), Charles McGarel, William Miller, Thomas Masterman, Abraham George Robarts, Patrick Maxwell Stewart, Alexander Stewart, Samuel Gurney, Charles Marryatt, and Thomas Moody, Esquires, or such of them as should become subscribers of not less than two thousand pounds each towards the Capital or Joint Stock therein-after mentioned, in the manner thereafter provided, together with such and so many other person or persons, Bodies Politic or Corporate as should become subscribers of or towards the Capital or Joint Stock thereafter mentioned, in manner thereafter provided, and such other person or persons, Bodies Politic or Corporate as should from time to time, in manner thereafter provided, become a proprietor or proprietors of any part of such Capital or Joint Stock (not being a fractional part of one hundred pounds of such Stock), should be one Body Politic and Corporate in deed and in name, by the name of "The Colonial Bank," and by that name should and might sue and be sued, implead and be impleaded in all Courts whether of Law or Equity, and should have perpetual succession, with a Common Seal, which might be by them changed or varied at their pleasure: And His Majesty did thereby further declare that the said Corporation should be established for the purpose of carrying on the business of a Banker in Jamaica and the other West India Islands, and British Guiana, and not elsewhere, subject nevertheless to such restrictions and provisions as were thereafter contained: And His Majesty did thereby, for himself, his heirs and successors, grant unto the said Colonial Bank and their successors, and did thereby will, direct, and appoint that it should and might be lawful for the said Corporation, for the period of twenty years, commencing from the first day of May, one thousand eight hundred and thirty-six, to carry on the business of Bankers, by dealing generally in Bullion, Money, Bills of Exchange, and lending money on commercial paper and Government Securities, and in such lawful ways and means as are usually practised among

Preamble.
Recites provisions of original Charter granted by His late Majesty in the sixth year of his reign.

L

No. 42.
22nd February, 1842.

Bankers, subject to the restriction therein mentioned; and did thereby further will and ordain that it should and might be lawful to and for the Corporation, during the same period, to establish one or more principal Bank or Banks in this Island and the Island of Jamaica, and in such other Islands or places in the West Indies and British Guiana as by them should be considered expedient, with such branches or agencies as from time to time might be found convenient; and at and from such principal Bank or Banks, Branches and Agencies, or any of them, to make, issue, and circulate Notes payable in dollars to bearer on demand or otherwise, subject to the provisions, regulations, and restrictions therein contained, as by the said Letters Patent will more fully appear.

Copies of original Charter, and Supplemental Charter granted by Her present Majesty, with Declaration thereon, recorded in Secretary's Office.

And whereas Her present Most Gracious Majesty has been pleased to grant a Supplemental Charter to the said Colonial Bank by her Letters Patent, bearing date at Westminster, the thirtieth day of October, in the second year of her reign: *And whereas* the said last-mentioned Letters Patent so granted as aforesaid by His late Most Gracious Majesty King William the Fourth, and the said second mentioned Letters Patent so granted as aforesaid by Her present Most Gracious Majesty, remain of record at Westminster, but copies of the same, duly examined and compared with the said original Letters Patent so granted as aforesaid by His late Majesty King William the Fourth and by Her present Majesty, have been transmitted to this Island, together with the declaration of John Baptist Holman and John William Sloper, of Mansion House Place, in the City of London, Gentlemen, by whom the same were examined and compared; and the said copies of the said Letters Patent and the said Declaration, under the Seal of the Lord Mayor of the City of London, have been duly recorded in the Secretary's Office of this Island: *And whereas*, to obviate any doubts which may arise as to the said copies of the said Letters Patent so transmitted to this Island, and recorded as aforesaid, and also as to Certified Copies thereof from the Secretary's Office of this Island being admissible as evidence of the original Letters Patent, May it please Your Majesty that it may be enacted, *And be it and it is hereby enacted* by His Excellency Colonel Sir RICHARD DOHERTY, Lieutenant-Governor and Commander-in-Chief, the Council, and Assembly of this Island and its Dependencies, and by the authority of the same, that the said copies of the said Letters Patent so recorded in the Secretary's Office of this Island and the said Declaration shall be, and the same are hereby deemed and taken to be duly and legally recorded; and that the same and the record thereof in the said Secretary's Office, or any copy or copies thereof at any time or times made and certified by the Secretary of this Island, in the same manner and form as deeds or other records are certified by him according to the laws of this Island, shall be admitted in all Courts and places in this Island as legal evidence, to the extent and for the purposes to which the original Letters Patent themselves would be admitted, any law, custom, or usage to the contrary thereof in anywise notwithstanding.

CL. I.
Copies of Letters Patent and Declaration recorded in Secretary's Office deemed legally recorded, and the record or Certified Copies thereof legal evidence.

CL. II.
Act to be deemed and taken as a Public Act.

That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others without being specially pleaded.

No. 43.

An Act to provide a Salary for the Reverend THOMAS ALEXANDER BROWNE, Rector of Charlotte Parish in this Island during his Incumbency. [23rd June, 1842.]

Preamble.

WHEREAS it is necessary that a proper provision should be made for the support and maintenance of the Clergy of these Islands; *And whereas* a Salary has not yet been provided for the Reverend Thomas Alexander Browne, Rector of Charlotte Parish, *Be it therefore enacted* by the Lieutenant-Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, That there shall be paid by the Public Treasurer of

CL. I.
Salary to Rev. T. A. Browne, Rector of Charlotte Parish.

this Island one annual and clear sum of Three Hundred Pounds of sterling money, in four equal quarterly payments, to the said Thomas Alexander Browne, Rector of Charlotte Parish or to his order, from date of his induction to the said Rectory, as a Stipend or Salary during his actual residence in this Colony, and as long as he shall perform the duties of the said Living or Rectory, and no longer.

CL. 43.
23rd June, 1842.

No. 44.

An Act to prevent the Unauthorized Occupation of Crown or other Lands.
[29th October, 1842.]

WHEREAS there is reason to believe that divers persons, without probable claim or pretence of title, have taken possession of Crown and other Lands within this Colony; and it is necessary that provision should be made for the prevention of such encroachments; *Be it therefore enacted* by the Lieutenant-Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, That any Stipendiary Justice of the Peace within this Colony shall, in manner hereinafter mentioned, exercise a Summary Jurisdiction for the removal of all persons who have so taken or shall take possession of any lands from the lands of which they may so have taken or shall take possession in this Island and its Dependencies, subject nevertheless to the provisions hereinafter mentioned.

CL. I.
Stipendiary Justice to exercise Summary Jurisdiction.

That for the purposes and within the meaning of this present Act, such persons only shall be considered and be entitled to act as Stipendiary Justices of the Peace as are entitled to act in that capacity under the Act of this Island for regulating the rights of Masters and Servants, and for the better enforcement of Contracts, and the Act for the prevention and punishment of Vagrancy within this Colony.

CL. II.
Who deemed Stipendiary Justices.

That it shall be lawful for every such Stipendiary Justice of the Peace to receive any Information which may be laid before him, upon oath, charging any person or persons with having, without probable claim or pretence of title, entered upon or taken possession of any lands in this Island or its Dependencies; provided that if the lands mentioned or referred to in any such Information shall belong to or be vested in Her Majesty, her heirs or successors, such information shall be preferred by one of Her Majesty's Crown and Colony Surveyors, or by some person acting under his authority and on his behalf, but that if the lands mentioned or referred to in any such Information shall belong to or be vested in any Body Politic or Corporate or in any person or persons other than Her Majesty, her Heirs or successors, such Information shall be preferred by the owner or owners of lands, or by some person or persons who as general or special Agent, or Attorney, Trustee, or otherwise, may be authorized to represent and to act for and on behalf of such owner or owners, or by some person or persons who may be authorized by the Supreme Court of Judicature in this Colony to prefer such Information.

CL. III.
Information how to be preferred.

That every Stipendiary Justice before whom any such Information shall be preferred, shall issue his summons for the appearance before him of the party or parties alleged to have so illegally entered upon or taken possession of such lands, and if [of] any other person or persons whom it may be necessary or proper to examine as a witness or witnesses on the hearing of any such Information, and shall proceed in a summary way in the presence of the parties, or in case of the absence of any person against whom any such Information shall have been laid, without such excuse being sent by him as the Magistrate may deem sufficient, then in his absence, to hear and determine such Information, and in case on the hearing thereof it shall be made to appear by sufficient evidence, to the satisfaction of such Justice, that the party or parties against whom the same shall have been laid hath or have entered upon or taken possession of the land mentioned or referred to in such Information without any probable claim or pretence of title, then such Justice is hereby authorized and required to make an Order directing such party or parties to deliver up to Her Majesty, her heirs or successors,

CL. IV.
Proceedings on Information.

No. 44.
29th October, 1842.

or other the owner or owners of such lands, or persons preferring the Information (as the case may be, to be named in such Order), peaceable possession of such lands, together with all crops growing thereon, and all buildings and other immovable property upon and affixed to the said lands; and in case the party or parties against whom any such Order shall have been made shall not, within a fortnight after service thereof, deliver up possession of the said lands and premises, pursuant to the said order, then and in such case it shall be lawful for such Justice to adjudge such party or parties to be imprisoned, with or without hard labour, for any time not exceeding fourteen days, and to make a further Order for the immediate delivery over of the possession of such land and premises to Her Majesty, her heirs or successors, or other the Body Politic or Corporate, or person or persons accordingly.

CL. V.
Proceedings as to parties in possession.

[This Clause was repealed by Act, 11th April, 1844.]

CL. VI.
Decision of Justice conclusive; and parties to give up possession.

That for the purposes of any such Order to be made by any such Justice as aforesaid, the adjudication of such Justice shall be conclusive as to the title of the person to whom delivery of the said lands and premises may be directed to be made; but nothing herein contained shall extend to take away or abridge the jurisdiction by law vested in the Supreme Court of Judicature of this Colony in taking cognizance of and adjudicating upon titles to land: and any person against whom any such Order as aforesaid may have been made may, notwithstanding such Order, proceed by the ordinary course of law to recover possession of such lands in case he shall be able to establish a title thereto, and may also in such case recover a reasonable compensation for the damage he may have sustained by reason of his having been compelled to deliver up possession of the said premises; and in like manner, in case of the dismissal of any such Information, the party having preferred the same may proceed before the ordinary tribunals, as if no such Information had been preferred: *Provided always*, That in case any such Information shall be dismissed, it shall be lawful for the said Justice, if he shall think fit, to order the person by whom the same may have been preferred, whether such Information may have been preferred by the Crown and Colony Surveyor or by any other person, to pay to the party or parties against whom the same may have been preferred, such sum as the said Justice shall consider to be the amount of costs fairly incurred by such party or parties by reason of such Information so dismissed; and the payment of such costs may be enforced in the same way as the payment of other debts are enforced in this Colony.

CL. VII.
Forms of Proceedings to be observed.

And for securing method and accuracy in the execution by the Stipendiary Justices of the jurisdiction hereby vested in them, *It is hereby further enacted*, That the Governor or Commander-in-Chief for the time being shall prepare Forms of the Proceedings to be observed on lodging complaints, in issuing summonses, in the citation of witnesses, in the making orders, and generally for the complete carrying into execution of the powers hereby vested in the Stipendiary Justices; which forms shall be submitted by such Governor to the Chief Justice of this Colony, and, being approved by such Justice, the same shall be observed in all proceedings before the said Stipendiary Justices.

CL. VIII.
Forms may be revised.

That all such Forms of Proceedings shall from time to time be revised, repealed, or amended by the authority and in the manner aforesaid, as occasion may require.

CL. IX.
Decision of Stipendiary Justice not to be reversed.

That no Order made by any Stipendiary Justice, in the execution of the jurisdiction so vested in him, shall be liable to be reversed, set aside, appealed from, or questioned by any Court of Justice in this Colony, but the same shall to all intents and purposes be binding, final, and conclusive, subject nevertheless to the rights of the parties to proceed, as hereinbefore mentioned, before the ordinary tribunals of the Colony.

CL. X.
Protection to Justices in exercise of jurisdiction.

That for all acts done by any Stipendiary Justice in the exercise of the jurisdiction hereby vested in him, such Justice shall have and be entitled to the same protection and indemnity as by any law in force in this Colony

any Magistrate is entitled to claim or to have in respect of any act by him done in execution of the powers vested by law in him.

* * * * *

That all Laws, Statutes, and Ordinances in force in this Colony, which are or shall be in anywise repugnant to or inconsistent with this present Act, shall be and the same are hereby repealed.

That this Act shall not come into operation until Her Majesty's pleasure be known thereon.

No. 44.
29th October, 1842.

CL. XI.
Title of Governor of Colony.

CL. XII.
Repeal of other Laws.

CL. XIII.
Suspension [till Her Majesty's pleasure be known].

No. 45.

An Act to authorize the Townwardens of the Town of Kingstown, for the time being, to Lease certain vacant Lands within and forming part of the said Town on Building Leases. [4th April, 1843.]

WHEREAS in and by the ninth clause of a certain Act of the Legislature of this Island, entitled "An Act for the Election of Townwardens and for the Regulation of the Town of Kingstown," it is amongst other things enacted that a majority of the Townwardens shall have power and authority to lease all such portions of land within the said Town as are vested in the Townwardens for any term not exceeding seven years; *And whereas*, under the fourteenth clause of the said hereinbefore-mentioned Act, all Buildings to be erected in the said Town after the passing of the said Act are required to be built with brick or stone and mortar; *And whereas* the erection of Buildings of brick and mortar on lands within the said Town leased or to be leased by the said Townwardens under the provisions of the said Act for the term of Seven years only cannot be expected, and it is material and beneficial, as well for the appearance as the revenues of the said Town of Kingstown, that the vacant and unoccupied land in the said Town and within the jurisdiction of the Townwardens should be leased to persons who may be willing to cause Brick or Stone erections to be thereon built for such term of years as may induce the erection of permanent and substantial Buildings thereon: *Be it therefore enacted* by the Lieutenant-Governor, Council, and Assembly of the said Island and its Dependencies, That it shall and may be lawful for the Townwardens for the Town of Kingstown for the time being, or a majority of them, by Indenture of demise to be duly acknowledged and recorded in the Registrar's Office from time to time, to let on Lease to any person or persons willing to rent the same for any period not less than Seven nor exceeding Twenty-one years, all and every such of the vacant and unoccupied lots, portions, or parcels of land in the said town, within their jurisdiction, as it shall in the opinion of the said Townwardens or the majority of them be advisable to let on Building Leases, at such annual rent and rents as may be agreed on by such person or persons and the said Townwardens or the majority of them: *Provided always*, That in any case where a Building Lease exceeding Seven years shall be granted to any person or persons, there shall be contained in such Lease a covenant on the part of the Lessee or Lessees, their executors or administrators or assigns, to erect, within such time as shall be agreed upon and specified, on the piece or parcel of land so leased a Tenement or Building of brick or stone and mortar, as shall be agreed on between the parties to the said Lease, the value of such Tenement to be agreed to be arrived at and decided by Appraisement of two competent persons, one whereof to be nominated by the Lessee or Lessees and the other by the said Townwardens or the majority of them, whose decision to be final; and with power to the said Appraisers to nominate an Umpire in case of difference between them, whose decision to be final; and if either party neglect within one month after notice from the other party to nominate an Appraiser, the Appraisement made by the Appraiser nominated by the one side shall be deemed final and conclusive.

No. 46.

An Act to compel Persons engaged in Huckstering to take out Licences.
[4th April, 1843.]

WHEREAS heretofore a Clause has been inserted in the annual Tax Act to compel persons engaged in Huckstering and trafficking in goods throughout the Colony to take out a Licence for the same, and it being found expedient to render the same Licence effectual by a separate Act, We, therefore, Your Majesty's most dutiful and loyal subjects, the Lieutenant-Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies have enacted, *And be it and it is hereby enacted*, That from and after the passing of this Act all persons engaged in Huckstering and trafficking in goods throughout the Colony shall, previous to engaging in such occupation, obtain from the Treasurer or his lawful Deputy a Licence for such purpose, to be at all times produced when required; and that every Licence so to be granted by the said Treasurer or his lawful Deputy shall be in force from the date thereof for twelve months and no longer; that the same shall be duly recorded by him in a Book to be kept in his Office for that purpose, together with the name and residence of the person to whom such Licence is granted, and the number thereof as successively issued by him, which number shall be affixed in legible characters to some conspicuous part of the tray, box, or other article in which such goods are exposed for sale; and that for every such Licence and record thereof the Treasurer or his lawful Deputy shall be authorized to claim and receive for the public uses of this Colony, from the party requiring the same, the sum of Twenty Shillings; and every person presuming to trade as a Huckster or vendor of goods as aforesaid without such Licence, after the passing of this Act, shall forfeit any sum not exceeding Forty Shillings for each offence, to be recovered by Summary Information before any Justice of the Peace in this Colony, one half to the informer, the other to be paid into the Public Treasury for the uses of the Colony; and in default of such payment of the penalty, it shall and may be lawful, at the discretion of the Justice, to commit the offender to the common gaol for any period not exceeding ten days.

And for the purposes of this Act, *Be it enacted*, That every person carrying any goods for sale in any tray, box, or other article, shall be deemed and considered as a Huckster.

CL. I.
Hucksters to take out
Licence under pen-
alty.

CL. II.
Any person carrying
goods in a tray, &c.,
to be deemed a
Huckster.

No. 47.

An Act for regulating the Police of the Town of Calliaqua, or Tyrrel's Bay, in the said Island; and for rendering the same Healthy and Commodious.
[17th August, 1843.]

Preamble.

WHEREAS nothing can conduce more to the convenience and benefit of the inhabitants of this Island, and to the increase of the commerce of the same, than having a well-regulated Police and making the principal Towns thereof healthy and commodious; *Be it therefore enacted* by the Lieutenant-Governor, Council, and Assembly of the Island of St. Vincent, *And it is hereby enacted* by the authority aforesaid, That the Justices in their Sessions shall at their first meeting after the publication of this Act, and once in every year after, name two Townwardens for the town of Calliaqua, who are inhabitants thereof and who shall be possessed of and in the occupation of a house of the yearly value of Ten Pounds in the said town of Calliaqua; and that in the meantime and until the next Sessions, Thomas Davies and George Mackie shall be Townwardens for the said Town of Calliaqua; and the said Townwardens hereby named, and also the Townwardens hereafter to be named and appointed Townwardens by the Justices in their Sessions, shall, within six days after notice being given in the official Gazette by the Clerk of the Crown, attend before any one of Her Majesty's Justices of the Peace, and

CL. I.
Providing for the an-
nual appointment of
two Townwardens for
Calliaqua.

To be sworn into office
within six days after
being appointed.

take the following Oath (which the Justice of the Peace is hereby empowered to administer) :—

No. 47.
17th August, 1843.

Form of Oath.

I A. B. do solemnly swear that I will well and truly, according to the best of my knowledge and skill, without favour or affection, execute the office of Townwarden, according to the true intent and meaning of an Act, entitled “ An Act for regulating the Police of the Town of Calliaqua or Tyrrel’s “ Bay, and for rendering the same healthy and commodious.” So help me God.

Under the penalty of Twenty-five Pounds, to be recovered as hereinafter mentioned ; which said Townwardens or any one of them, being sworn, shall have power to tax and assess each proportion of land according to the yearly rent or value thereof, not exceeding three per cent. upon the yearly rent or value of each proportion of land built on ; and upon all lots or proportions not built on any sum not exceeding Twenty Shillings : and the Clerk of the Crown shall be obliged to give notice to each Townwarden so appointed within three days after such appointment, under the penalty of Five Pounds.

Townwardens when sworn, to assess the several Lots in Calliaqua according to their value.

Clerk of the Crown to give notice to persons appointed Townwardens under penalty.

That all moneys arising from such assessment, fines, or forfeitures, to be incurred and paid into the hands of the said Townwardens in consequence of this Act, shall be applied by them towards mending the streets, making common sewers and aqueducts, clearing, draining, or filling up the Town Lots, and such other public works and conveniences for the good and benefit of the said Town as shall be thought useful and necessary by the said Townwardens : *Provided nevertheless*, That the said Townwardens shall not undertake any new or expensive building that will exceed the sum of Five Pounds without first calling a meeting of the Freeholders of the said town, or lawful Attorneys of such Freeholders, who are to be summoned by an advertisement in the Gazette of the said Island at least six days before such meeting, or without the consent of the said Freeholders, Attorneys, or a majority of them present at such meeting, to the undertaking and executing such new and expensive buildings proposed by the said Townwardens, who are hereby declared liable to presentment at the Sessions, or amerciamment upon neglect of duty : and the lawful Attorney of each Freeholder shall in the absence of such freeholder have a vote for each freeholder that he represents.

CL. II.
Moneys received by virtue of this Act, to be applied to the public uses and conveniences of the Town.

Proviso.
That the Townwardens do not undertake any new building exceeding in cost 5*l*. without the consent of a majority of Freeholders to be summoned for that purpose.

That all persons who shall hereafter encroach on any Street or Lane in the said Town as laid out by the Commissioners, by erecting or building thereon (open piazzas in the streets that are fifty feet wide excepted), and do not remove such building within Thirty days after notice being given in writing by the said Townwardens or any one of them, or who shall cover any building with trash or dried grass, or who shall build or erect a necessary house adjoining any street or lane in the said town, so as to be a nuisance to the neighbourhood, and do not remove the same in one week after notice being given by the Townwardens, it shall then and in every such case be in the power of such Townwardens, and they are hereby required to direct one or more Constable or Constables, by themselves or others, immediately to remove such encroachment, trash, or dried grass, or buildings at the expense of the person erecting or putting on the same, which expense shall be recovered as fines and forfeitures are by this Act ; and any Constable refusing to comply and obey the order of such Townwardens in consequence of this Act shall forfeit the sum of Two Pounds for each refusal : *Provided*, That the land on which buildings have lately been erected in the said Town shall be still understood to be in the charge of such Townwardens as Public Land ; and the Townwardens are hereby authorized to rent the same for a certain term not exceeding Twenty-one years at such rate as may be mutually agreed upon ; and in default of such mutual agreement, then the amount of such rent to be decided by Arbitrators mutually chosen, with power to appoint an Umpire, such arbitration to be binding on all parties, and in the event of the parties in occupation refusing to continue to pay such amount of rent as may be agreed upon, then the said Townwardens are hereby authorized to direct such buildings to be removed in the same manner as previously directed by this Act with regard to encroachments.

CL. III.
Persons neglecting to remove encroachments or nuisances within certain time after notice given, to incur the expense of removal, by order of Townwardens.

No. 47.
17th August, 1843.

CL. IV.

Persons refusing to pay assessments or taxes, liable to distraint by warrant from any Justice of the Peace.

Proviso, as directed by 2nd Clause of this Act.

CL. V.

Townwardens to render account to House of Assembly of the moneys received by them, and to pay over the balance to their successors in office, under penalty of 10*l*.

CL. VI.

Providing proper places for the reception of broken bottles and rubbish, and to prevent their becoming a nuisance to the Town.

Persons convicted of throwing bottles or rubbish in the streets liable to fine.

That if any person or persons, owners or possessors of a proportion or proportions of land in the said Town, with a building or buildings thereon erected, or of proportion or proportions of land whereon no building is erected, shall neglect or refuse to pay all or any such assessments or taxes as the Townwardens shall from time to time lay upon them in pursuance of this Act, any Justice of the Peace for this Island, upon application made to him, shall issue one or more warrant or warrants in the form or to the effect set forth in Schedule A, directed to any Constable, to distrain for such assessment or taxes so neglected or refused to be paid by Distress and Sale of such proportion or proportions of the goods, chattels, and effects of such person or persons so neglecting and refusing, and in absence of such goods and chattels, of such land so taxed and assessed as may be sufficient to pay the same; and tenants are hereby authorized and required to pay for their landlords, and to be at liberty to deduct the same out of their rents: and the said Townwardens may from time to time and are hereby authorized and empowered to contract with workmen to carry on any work that they may judge to be of public convenience and utility in the said Town, and to pay for the same out of the moneys to be raised and levied from time to time as heretofore or hereinafter directed: *Provided always*, That the Townwardens shall not assess or tax any person or persons to pay for the erection of any new or expensive building as aforesaid unless the same has been begun with the consent of the majority of Freeholders present, or their lawful Attorneys, at a Meeting as directed by the second Clause of this Act; and the said Townwardens are hereby authorized to pay to any person they may think proper to employ to collect the said taxes or assessments at the rate of five per cent. on such taxes or assessments collected.

That the said Townwardens shall twice in every year, or oftener if required so to do, give a just account to the House of Assembly, at their quarterly meetings in the months of June and December, how the moneys received and collected by them are or have been disposed of, and pay into the hands of their respective successors in the said Office any balance that may be in their hands after defraying the expenses of such work and labour as shall be done in the said Town by their directions and in pursuance of this Act; and the Townwardens neglecting or refusing to render such account at the time specified, or to pay such balance within ten days after such going out of office, shall forfeit for every such neglect or refusal Ten Pounds, to be recovered and applied in manner hereinafter directed; and also shall be liable to an action at Common Law, to be brought against them at the suit of the succeeding Townwardens for such balance as may be in their hands.

And whereas many accidents arise from the carelessness of people throwing broken bottles and other broken glass and rubbish into the Public grounds, streets, or lanes of the said town, or on the Seaside or in the surf of the sea: *Be it further enacted*, That the said Townwardens shall, under a penalty of Ten Pounds, to be recovered as all fines and forfeitures are directed by this Act to be recovered, cause two pits to be dug in the ground, and a wall of brick and lime or stone and lime to be built round each pit, at least four feet above the ground (should there be no pits already erected), to contain the broken bottles and glass of the said Town, to be built in the most convenient places of the said Town (to be fixed on by the Townwardens), at the expense of the said Town, to which pits the inhabitants of the said Town shall be obliged to carry all broken glass and bottles; and the said Townwardens are hereby authorized to hire boats or canoes at the expense of the said Town, to carry out to sea, beyond the shipping, from the said pits as often as it is necessary all such broken bottles and glass; and every person convicted upon the oath of one witness, or by the confession of the party, of any such offence, or who shall not carry or cause to be carried his, her, or their broken bottles and glass to the pits made by the Townwardens, shall forfeit the sum of Twenty Shillings, to be levied by warrant under the hand and seal of any Justice of the Peace or Townwardens, directed to any Constable, on the goods and chattels of such offender; and for want of effects sufficient to pay the said fine, such offender shall be im-

prisoned for a period not exceeding seven days, unless in the meantime he or she shall have paid the said fine; but if it cannot be discovered who it is that has thrown such broken bottles, glass, or rubbish, then the Townwardens shall order the possessor or person living in any house opposite or nearest to which such broken bottles, glass, or rubbish lies, to remove the same within three hours after notice given to the places erected by the Townwardens for receiving such broken bottles, glass, and rubbish; and in case of refusal or neglect to remove such nuisance within the time limited, the Townwardens are hereby directed to issue a warrant, directed to any constable, to levy a fine of Twenty Shillings for such refusal or neglect on such offender's effects, to be immediately sold and the fine to be applied as all other fines and forfeitures imposed by this Act are; and the Constable shall receive for all charges of levy and sale of the goods of such offender the sum of Five Shillings; and in case any person shall throw or cause to be thrown any broken bottles or glass in any part of the sea bounding the said Town between the usual anchoring places for vessels and the land, he or she shall be liable to the same penalty as last mentioned, to be recovered in like manner.

That the said Townwardens shall and [they] are hereby required to erect or cause to be erected pillars of brick or stone with mortar, of such dimensions as cannot easily be removed, at the four corners of the said Town, to ascertain the boundaries thereof as laid out by the Commissioners for the Sale and Disposal of Lands; and the said Townwardens shall and may employ, if necessary, the Crown and Colony Surveyor to ascertain the different spots where the said pillars are to be fixed at the expense of the said Town, which said pillars are and shall be considered and taken to be the boundaries of the said Town, and the inhabitants thereof shall not be taxed or assessed to make, mend, or repair any of the highways of this Island, except as much of the highway as now passes through the said Town.

That the said Townwardens or either of them are hereby authorized and empowered to take up, or cause the Constables to take up and confine all drunken, idle, and disorderly persons whatsoever that shall be seen wandering or quarrelling or making a noise in the streets, or that shall be seen in any grog-shop or places where liquors are retailed after the hour of eight o'clock in the evening; and the said Constables are hereby directed to confine in the station-house of the Police force in said Town such drunken, idle, and disorderly persons and wanderers, by a verbal order of the Townwardens or either of them, for any space of time not exceeding twenty-four hours.

That all fines and forfeitures incurred by virtue of this Act and not already provided for shall be levied by warrant under the hand and seal of Her Majesty's Justices of the Peace directed to any Constable; and the effects so levied upon shall be sold within ten days after such levy, and the proceeds be immediately paid by the Constable so making the levy, after deducting five per cent. for the Commissions, into the hands of the Townwardens or persons appointed to receive the same, to be applied to the purposes of this Act.

SCHEDULE A.

WHEREAS [by] an Act of the Island of St. Vincent and its Dependencies, entitled "An Act for regulating the Police of the Town of Calliaqua, or Tyrrel's Bay, in the said Island, and for rendering the same healthy and commodious," a tax and assessment was made, whereby *A. B.* is subject and liable to pay the sum of _____ in respect of the Lot situate in the said Town of Calliaqua: And whereas oath hath been made before me by *C. D.*, Collector of the Taxes for the said Town, that he the said *C. D.* hath demanded of and from the said *A. B.* payment of the sum so assessed as aforesaid, and that the said *A. B.* hath neglected [or refused] to pay the same: And whereas the Townwardens [or one of the Townwardens] have applied to me, as a Justice of the Peace, to issue my warrant to levy the said amount: These are therefore to authorize and require you to levy upon the said *A. B.* the said sum of _____ by distress and sale of such proportion of the said Lot so taxed or assessed as

No. 47.
17th August, 1843.

Rubbish thrown into the streets by persons unknown, to be removed by persons occupying the nearest lot.

CL. VII.
Townwardens to ascertain boundaries of the Town, and cause the same to be marked by pillars.

Inhabitants to be taxed only for that part of the high road that passes through the Town.

CL. VIII.
Townwardens to apprehend all idle and disorderly persons, and those found in grog-shops after eight o'clock.

CL. IX.
Fines and forfeitures, not before provided for, how levied and applied.

Given under my hand and seal at Calliaqua, this day
of 18 .

An Act to facilitate the Crown and Colony Surveyors in the Discharge of their Duties. [25th October, 1843.]

WHEREAS persons holding Commissions from the Executive as Crown and Colony Surveyors, or holding Commissions authorizing such persons to act in such capacity, are sometimes obstructed in the performance of their duties: *Be it therefore enacted* by the Lieutenant-Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, That it shall be lawful for all persons holding Commissions from the Executive as Crown and Colony Surveyors, or Commissions authorizing such persons to act in such capacity, when surveying lands to go upon the adjoining soil, whether public or private, and to take with them their assistants and necessary attendants, for the purpose of enabling such persons to lay out their lines and perfect their surveys.

That all such Surveyors, Acting Surveyors, assistants and attendants so entering the adjoining soil for the purpose aforesaid, shall be exempt from all actions of trespass at the suit of the owners or occupiers of such soil: *Provided*, That nothing herein contained shall exempt such persons from liability as trespassers when any wilful and unnecessary injury is done or committed by them.

An Act to Establish and Encourage Friendly Societies.

WHEREAS parishes become burthened with the support of individuals who are reduced to indigence by old age and infirmity by reason of there being no institutions in which they could from time to time invest their moneys when able to have done so, to afford them subsistence in periods of sickness and old age, and a certain allowance to their widows and children or other relations after death, and thereby prevent their resorting to parochial aid; the habitual reliance of poor persons upon which, rather than upon their own industry, tends to the moral deterioration of the people, and to the accumulation of heavy burthens upon parishes; it is therefore necessary, in order to improve the condition of the people, to encourage industry and thrifty habits among them, and to make them more dependent on their own exertions for support than on parochial aid; *And whereas* by the contribution of the Savings of many persons to one common fund the most effectual provision may be made for the casualties affecting all the contributors, by affording facilities and security to persons who may be willing to unite in appropriating small sums from time to time in the formation of a Common Fund for the purposes aforesaid: it is therefore desirable to establish, encourage, and protect Friendly Societies in this Island, for the purpose of raising, by voluntary subscription of the members thereof or by donations of charitable and benevolent individuals, separate funds for the mutual relief and maintenance of the said Members in sickness, old age, and infirmity, and for making provision for their widows or children, or other relations after the death of the said Members, which is likely to be attended with very beneficial effects by promoting the happiness of individuals and at the same time diminishing the public and parochial burdens: *Be it enacted* by the Lieutenant-Governor, Council, and Assembly, *And it is hereby enacted* by the authority of the same, That it shall and may be lawful to and for any number of persons, in any one or more of the parishes of this Island, to form themselves into and to establish a Society for the purpose of raising from time to time, by subscriptions of the several Members of every such Society, or by voluntary contributions, or by donations, a stock or fund for the

CL. I.
Any number of persons may form themselves into a Society, and raise among themselves a fund for their mutual benefit, and may make Rules, and impose fines, &c.

mutual relief and maintenance of all and every the Members thereof, their wives or children, or other relations, in sickness, infancy, advanced age, widowhood, or any other natural state or contingency whereof the occurrence is susceptible of calculation by way of average, and to and for the several Members of each Society, from time to time to assemble together, to make, ordain, and constitute such proper and wholesome Rules for the better government and guidance of the same as to the major part of the Members of such Society so assembled together shall seem meet, so as such Rules shall not be repugnant to the Laws of the United Kingdom of Great Britain or of this Island, nor any of the express provisions or regulations of this Act; and to impose and inflict such reasonable fines and forfeitures upon the several Members of any such Society, who shall offend against such Rules as shall be just and necessary for duly enforcing the same, to be respectively paid to such uses for the benefit of such Society as such Society by such Rules shall direct; and also from time to time to alter and amend such Rules as occasion shall require, or to annul and repeal the same, and to make new Rules in lieu thereof, under such restrictions as are in this Act contained.

Every such Society so to be established as aforesaid, before any of the Rules thereof shall be confirmed by the Justices in the manner hereinafter directed, shall, in or by one or more of the Rules to be confirmed by such Justices, declare all and every the intents and purposes for which such Society is intended to be established, and shall also in and by such Rules direct all and every the uses and purposes to which the money which shall from time to time be subscribed, paid, or given, to or for the use or benefit of such Society, or which shall arise therefrom, or in anywise shall belong to such Society, shall be appropriated and applied, and in what shares and proportions, and under what circumstances any Member of such Society or other person shall or may become entitled to the same uses or any part thereof: *Provided*, That the application thereof shall not in anywise be repugnant to the uses, intents, and purposes of such Society, or any of them so to be declared as aforesaid; and all such Rules, during the continuance of the same, shall be complied with and enforced, and the moneys so subscribed, paid, or given, or so arising to or for the use or benefit of such Society or belonging thereto shall not be diverted or misapplied, either by the Treasurer or Trustee, or any other Officer or Member of such Society entrusted therewith, under such penalty of forfeiture as such Society shall by any Rule impose and inflict for such offence; and further, that a Transcript, fairly written on paper, of all Rules made in pursuance of this Act, signed by Three Members and countersigned by the Clerk or Secretary of such Society, with all convenient speed after the same shall be made, altered, and amended, and so from time to time after every making, altering, and amending thereof, shall be submitted to two Justices of the Peace in this Island or to the Police Magistrate for the district in which such Society shall be formed, for the purpose of being allowed and confirmed, and if it shall appear to such Justices or Police Magistrates that the said Rules so submitted are in conformity to Law and the provisions of this Act, they are hereby authorized to allow and confirm the same; and the said Transcript shall be filed in the Office of the Secretary of this Island by such Secretary without fee or reward; and that all the Rules, alterations, and amendments thereof, from the time when the same shall be allowed and confirmed as above mentioned, shall be binding on the several Members and Officers of the said Society, and all other persons having interest therein; and a copy of the said Transcript shall be deposited with the said Police Magistrate of the said district.

When the Rules of any Society provide for a reference to Arbitrators of any matter in dispute, and it shall appear to any Justice of the Peace, on the complaint or oath of a Member of any such Society or of any person claiming on account of such Member, that application has been made to such Society, or the Steward or other Officer thereof, for the purpose of having any dispute so settled by arbitration, and that such application has not within forty days been complied with, or that the Arbitrators have neglected or refused to make any award, it shall and may be lawful for such Justice

No. 49.
13th December, 1843.

CL. II.
Societies in their Rules to declare the purposes of their establishment.

CL. III.
Where Rules of Society provide for reference to Arbitrators, and application made by party for arbitration not being complied with within forty days, two Justices or a Police Magistrate may decide the matter in dispute.

No. 49.
13th December, 1843.

CL. IV.
Members expelled, and Arbitrators or Justices deciding that they should be reinstated, in default of such reinstatement, Justices may order payment to them of such a sum of money as shall seem meet.

CL. V.
No Society to have the benefit of this Act unless Rules be entered in a book, and a copy of the same lodged with the Secretary of the Island and Police Magistrate of the district.

CL. VI.
Rules when entered and deposited to be binding on Members and Contributors.

The Transcript, or a copy thereof, to be received in evidence.

CL. VII.
No confirmed Rules to be altered but at a General Meeting of the Society, &c.

to summon the Trustee, Treasurer, Steward, or other Officer of the Society, or any one of them against whom the complaint is made; and for any two Justices or a Police Magistrate to hear and determine the matter in dispute in the same manner as if the Rules of the said Society had directed that any matter in dispute as aforesaid should be decided by Justices of the Peace.

In case any Member of a Friendly Society to be established under this Act shall be expelled from such Society, and the Arbitrators or Justices, as the case may be, shall award or order that he shall be reinstated, it shall and may be lawful for such Arbitrators or Justices to award or order, in default of such reinstatement, to the Member so expelled such a sum of money as to such Arbitrators or Justices may seem just and reasonable, which said sum of money, if not paid, shall be recoverable from the said Society, or the Treasurer, Trustee, or other Officer, in the same way as any money awarded by Arbitrators is recoverable under this Act.

No such Society as aforesaid shall have the benefit of this Act unless all the Rules for the management thereof shall be entered in a Book to be kept by an Officer of such Society appointed for that purpose, and which book shall be open at all seasonable times for the inspection of the Members of such Society; and unless all such Rules shall be fairly transcribed, and such Transcript deposited in the Office of the Secretary of this Island, and a copy of such Transcript deposited with the Police Magistrate of the district wherein such Society shall be established as aforesaid; but nevertheless, nothing contained herein shall extend to prevent any alteration in or amendment of any such Rules so entered and deposited and filed as aforesaid, or repealing or annulling the same or any of them, in the whole or in part, or making any new Rules for the management of such Society, in such manner as by the Rules of such Society shall from time to time be provided by such new Rules, or such alterations in or amendments of former Rules, or any order annulling or repealing any former Rules, in the whole or in part, shall not be in force until the same respectively shall be entered in such book as aforesaid, and certified when necessary by such Magistrate as aforesaid, and until a Transcript thereof shall be deposited with such Magistrate and Secretary as aforesaid, who shall file and certify the same as aforesaid, and that no such Rule or alteration in or amendment of any former Rule shall be binding or have any force or effect until the same shall have been confirmed in the manner hereinbefore directed.

All Rules from time to time made and in force for the management of such Society as aforesaid, and duly entered in such Book as aforesaid and confirmed by the Justices as aforesaid, shall be binding on the several Members and Officers of such Society and the several contributors thereto and their representatives, all of whom shall be deemed and taken to have full notice thereof by such entry and contributions as aforesaid; and the entry of such Rules in such Book as aforesaid, or the Transcript thereof deposited with such Magistrate and Secretary as aforesaid, or a true copy of such Transcript examined with the original and proved to be a true copy of such Transcript, shall be received as evidence of such Rules respectively in all cases, and no *certiorari* or other legal process shall be brought or allowed to remove any such Rules in any of Her Majesty's Courts of Record; and every true copy of any such Transcript deposited with the Magistrate and Secretary aforesaid shall be made without fee or reward, except the actual expense of making such copy, which shall be at and after the rate of One Shilling and Sixpence for every One hundred and sixty words of writing contained in such copy.

No Rule confirmed as aforesaid shall be altered, rescinded, or repealed, unless at a General Meeting of the Members of such Society as aforesaid, convened by public notice, written or printed, signed by the Secretary or President or other principal Officer or Clerk of such Society, in pursuance of a requisition for that purpose by seven or more of the Members of such Society, which said requisition and notice shall be publicly read at the two usual meetings of such Society to be held next before such General Meeting for the purpose of such alteration or repeal, unless a Committee of such Members shall have been nominated for that purpose at a General Meeting

of the Members of such Society convened in manner aforesaid, in which case such Committee shall have the like power to make such alterations or repeal, and unless such alterations or repeal shall be made with the consent and approbation of three-fourths of the Members of such Society then and there present, or by the like proportion of such Committee as aforesaid, if any shall have been nominated for that purpose.

That the Rules of every Society formed under the authority of this Act shall specify the place or places at which it is intended such Society shall hold its meetings, and shall contain provisions with respect to the powers and duties of the Members at large, and of such Committees or Officers as may be appointed for the management of the affairs of such Society: *Provided always*, That it shall and may be lawful for any such Society to alter their places of meeting whenever they may consider it necessary, upon giving notice thereof in writing within seven days before or after such removal, and signed by the Secretary or other principal Officer, and also by three or more of the Members of the said Society: *And provided*, That the places at which such Society intend to hold their meetings shall be situate within the parish in which the Rules of the said Society are enrolled.

That every such Society shall and may from time to time, at any of their usual meetings, or by their Committee if any such shall be appointed for that Society, elect and appoint such person into the Office of Steward, President, Warden, Treasurer, or Trustee of such Society, as they shall think proper, and also shall and may from time to time elect and appoint such Clerks and other Officers as shall be deemed necessary to carry into execution the purposes of such Society for such space of time and for such purposes as shall be fixed and established by the Rules of such Society, and from time to time to elect and appoint others in the room of those who shall vacate or die; and such Treasurer, Trustee, and all and every other Officer or other person whatever who shall be appointed to any Office in anywise touching or concerning the receipt, management, or expenditure of any sum of money collected for the purpose of any such Society, before he, she, or they shall be admitted to take upon him, her, or them the execution of any such Office or trust, shall become bound in a Bond according to the form prescribed in the Schedule to this Act annexed, with two sufficient securities for the just and faithful execution of such Office or trust, and for rendering a just and true account according to the Rules of such Society, and in all matters lawful to pay obedience to the same, in such penal sum of money as by the major part of such Society, at any such meeting as aforesaid or by the majority of a Committee appointed for such purpose, shall be thought expedient and to the satisfaction of such Society; and that every such Bond to be given by or on behalf of such Treasurer or Trustee, or any other person appointed to any other Office or trust, shall be given to the Colonial Secretary for the time being without fee or reward; and in case of forfeiture it shall be lawful to sue upon such Bond, in the name of the said Colonial Secretary, for the use of the said Society, fully indemnifying and saving harmless such Colonial Secretary from all costs and charges in respect of such suit; and no Bond or other Security, to be given to or on account of any such Society or in pursuance of this Act, shall be charged or chargeable with any duty whatever.

That every such Society shall and may from time to time elect and appoint any number of the Members of such Society to be a Committee, the number thereof to be declared in the Rules of every such Society, and shall and may delegate to such Committee all or any of the powers given by this Act to be executed; who being so delegated shall continue to act as such Committee for and during such time as they shall be appointed for such Society for general purposes, the powers of such Committee being first declared in and by the Rules of such Society, confirmed by the Police Magistrate for the parish, or by the Chairman and Justices of the Peace at their Sessions, and filed in the manner hereinbefore directed; and in all cases wherein a Committee shall be appointed for any particular purpose, the powers delegated to such Committee shall be reduced to writing and entered into a Book by the Secretary or Clerk of such Society, and a majority of the Members of

No. 49.
13th December, 1843.

CL. VIII.
Rules to specify place of meeting and duties of Officers.

Proviso.
Societies may alter place of meeting.

Place of meeting to be situate within the parish.

CL. IX.
Society may appoint Officers.

Securities to be given for Offices of trust.

Treasurer or Trustee to give Bond to Colonial Secretary.

No Bond, &c., to be chargeable with duty.

CL. X.
Appointment of Committees.

No. 49.
13th December, 1843.

Powers of Standing Committees to be declared in Rules of Society, and of particular ones entered in a Book.

Committee controlled by Society.

CL. XI.
Treasurer or Trustee to lay out surplus of contribution.

And to bring the proceeds to account.

CL. XII.
Treasurer, &c., to render accounts, and pay over balances, &c.

And in case of neglect application may be made to the Chancellor, &c.

CL. XIII.
Where Trustees, &c., are out of jurisdiction of Court, or there is

such Committee shall at all times be necessary to concur in any act of such Committee, and such Committee shall in all things delegated to them act for and in the name of such Society; and all acts and orders of such Committee, under the powers delegated to them, shall have the like force and effect as the acts and orders of such Society, at any General Meeting thereof, could or might have had in pursuance of this Act: *Provided always*, That the transactions of such Committee shall be entered in a Book belonging to such Society, and shall be from time to time and at all times subject and liable to the review, allowance or disallowance, and control of such Society, in such manner and form as such Society shall, by their general Rules confirmed and filed as aforesaid, have directed and appointed, or shall in like manner direct and appoint.

That it shall and may be lawful to and for the Treasurer or Trustee for the time being of any such Society, and he, she, and they is and are hereby authorized and required from time to time, by and with the consent of such Society to be had and testified in such manner as shall be directed by the general Rules of such Society, to lay out or dispose of such part of all such sums of money as shall at any time be collected, given, or paid to and for the beneficial ends, intents, and purposes of such Society as the exigencies of such Society shall not call for the immediate application or expenditure of, either on real securities or in the purchase of real estate, to be approved of by a majority of the Members of such Society, or by a majority of a Committee appointed with power for such purpose (such securities or conveyances of real estate to be taken in the name of such Treasurer or Trustee for the time being), or to invest the same in the Public Treasury of this Island, or in any of the Savings Banks, or in any of the Chartered Banks of this Island, and not otherwise, in the proper name of such Treasurer or Trustee, and from time to time with such consent as aforesaid to alter and transfer such securities and funds, and to make sale thereof respectively; and that all the dividends, interest, and proceeds which shall from time to time arise from the moneys so laid out or invested as aforesaid shall from time to time be brought to account by such Treasurer or Trustee, and shall be applied to and for the use of such Society, according to the Rules thereof.

That every person who shall have or receive any part of the moneys, effects, or funds of or belonging to any Society, or shall in any manner have been or shall be entrusted with the disposal, management, or custody thereof, or of any securities, books, papers, or property relating to the same, his executors, administrators, and assigns respectively shall, upon demand made or notice in writing given or left at the last or usual place of residence of such person, in pursuance of any order of such Society or Committee to be appointed as aforesaid for that purpose, give in his account at the usual meeting of such Society or to such Committee thereof as aforesaid, to be examined and allowed or disallowed by such Society or Committee thereof, and shall on the like demand or notice pay over all the moneys remaining in his hands, and assign and transfer or deliver all securities and effects, books, papers, and property taken or standing in his name as aforesaid, or being in his hands or custody, to the Treasurer or Trustee for the time being, or to such other person as such Society or Committee thereof shall appoint; and in case of any neglect or refusal to deliver such account, or to pay over such moneys, or to assign, transfer, or deliver such securities and effects, books, papers, and property in manner aforesaid, it shall and may be lawful to and for every such Society, in the name of the Treasurer or Trustee or other principal Officer thereof, as the case may be, to exhibit a petition to the Chancellor, who shall and may proceed thereupon in a summary way, and make such Order therein, upon hearing all parties concerned, as to such Court in their discretion shall seem just, which orders shall be final and conclusive; and all assignments, sales, and transfers made in pursuance of such Order shall be good and effectual in law, to all intents and purposes whatsoever.

That when and so often as any person seized or possessed of any lands, tenements, or other property, or any estate or interest therein, as a Trustee of any such Society, shall be out of the jurisdiction of or not amenable to

the process of the Courts of this Island, or shall be idiot, lunatic, or of unsound mind, or it shall be unknown or uncertain whether he be living or dead, or such person shall refuse to convey or otherwise assure such lands, tenements, hereditaments, or property, or estate, or interest, to the person duly nominated as Trustee of such Society in his stead, either alone or together with any continuing Trustee, as occasion shall require, then and in every or any such case it shall be lawful for the Chancellor to appoint such person as to him shall seem meet, on behalf and in the name of the person seized or possessed as aforesaid, to convey, release, assign, or otherwise assure the said lands, tenements, hereditaments, or property, or estate, or in trust to such Trustee so duly nominated as aforesaid; and every such conveyance, release, assignment, or assurance shall be as valid and effectual, to all intents and purposes, as if the person being out of the jurisdiction, or not amenable to the process of the said Courts, or not known to be alive, or having refused, or as if the person being idiot, lunatic, or of unsound mind had been at the time of the execution thereof of sane mind, memory, and understanding, and had by himself or herself executed the same.

That when and as often as it shall happen that all and every person in whose name any part of the several stocks, annuities, and funds transferable, or which hereafter shall be made transferable, in any of the securities herein named, is, are, or shall be standing as a Trustee of any such Society, shall be absent out of the jurisdiction, or not amenable to the process of the said Court of Chancery, or shall be a bankrupt, insolvent, or lunatic, or it shall be uncertain or unknown whether such Trustee is living or dead, that then and in such case it shall and may be lawful to and for the Chancellor of the said Court to order and direct that the Secretary or Deputy Secretary, or Manager, or other proper Officer for the time being of the Public Treasury of this Island, or of any of the Savings Banks in the same, or of any of the Chartered Banks therein, do transfer in the Book of the said Public Treasury, Savings Bank, or Banking Company, such stock, annuities, or funds standing as aforesaid, to and into the name of such person as such Society may appoint, and also pay over to such person as aforesaid the dividends of such stocks, annuities, or funds; and when and as often as it shall happen that one or more only, and not all or both of such Trustees as aforesaid shall be so absent, or not amenable to such process as aforesaid, or is bankrupt, insolvent, or lunatic, or it be uncertain or unknown whether any one or more of such Trustees is or are living or dead, that then and in all and every such last-mentioned case and cases, it shall and may be lawful to and for the Chancellor to order and direct that the other and others of such Trustees who shall be forthcoming and ready and qualified to act, do transfer such stock, annuities, or funds to and in the name of such person as aforesaid, and also that such forthcoming Trustee do also receive and pay over the dividends of such stock, annuities, or funds as such Society shall direct; and all such transfers and payments so made shall be and are hereby declared to be valid and effectual to all intents and purposes whatsoever.

That in all cases in which Orders shall be made by the Court aforesaid for the transfer of securities or funds transferable at the Public Treasury of this Island, or at any of the Savings Banks within the same, or at any of the Chartered Banks therein, the persons to be named in such Orders respectively for making such transfers shall be the Manager for the time being in whose name such securities or funds shall stand.

That this Act shall be and is hereby declared to be a full and complete indemnity and discharge to the Manager for all acts and things done or permitted to be done pursuant thereto, and that such acts and things shall not be questioned or impeached in any Court of Law or Equity to their prejudice or detriment.

That if any person who may hereafter be appointed to any Office in a Society established under this Act, and being entrusted with the keeping of the accounts, or having in his hands or possession, by virtue of his said office or employment, any moneys or effects belonging to such Society, or any deeds or securities relating to the same, shall die or become a bankrupt

No. 49.
13th December, 1843.

uncertainty of their being alive, or they refuse to convey, &c., Chancellor may appoint a person to convey.

CL. XIV.
When Trustees are absent, &c., Court may order stock to be transferred and dividends paid.

CL. XV.
Who to be named in orders of Court for making transfers.

CL. XVI.
Act to be an indemnity to Manager, &c.

CL. XVII.
Executors, &c., of Officers of Friendly Societies to pay money due to Society before any other debts.

No. 49.
13th December, 1843.

or insolvent, or have any extent, execution, or attachment, or other process issued against his lands, goods, chattels, or effects, or property or estate real or personal, or make any assignment, disposition, or other conveyance thereof for the benefit of his creditors, his heirs, executors, administrators, or assignees, or other persons having legal right, the Provost Marshal or other Officer executing such process shall within forty days after demand made in writing by the Order of any such Society or Committee thereof, or the major part of them assembled at any meeting thereof, deliver and pay over all moneys and other things belonging to such Society to such person as such Society or Committee shall appoint, and shall pay out of the estates, assets, or any effects, real or personal of such person, or sums of money remaining due which such person received by virtue of his said Office or employment, before any other of his debts are paid or satisfied, or before the money directed to be levied by such process as aforesaid is paid over to the party issuing such process; and all such assets, lands, goods, chattels, property, estates, and effects, shall be bound to the payment and discharge thereof accordingly.

CL. XVIII.
Effects of Society
vested in Trustees or
Treasurer, who may
bring and defend ac-
tions, &c.

That all real estate and personal property, moneys, goods, chattels, and effects whatever, and all titles, securities for money, or other obligatory instruments, and evidences or muniments, and all other effects whatever, and all rights and claims belonging to or had by such Society, shall be vested in the Treasurer or Trustee of such Society for the time being, for the use and benefit of such Society and the respective Members thereof, their respective executors or administrators, according to their respective claims and interests; and after the death or removal of any Treasurer or Trustee, shall vest in the succeeding Treasurer or Trustee, for the same estate and interest as the former Treasurer or Trustee had therein, and subject to the same trusts, without any assignment or conveyance whatever, except the transfer of stocks and securities in the Public Treasury of this Island, or any of the Savings Banks or Chartered Banks in the same; and also shall, for all purposes of action or suit, as well criminal as civil in Law or in Equity, in anywise touching or concerning the same, be deemed and taken to be, and shall in every such proceeding (where necessary) be stated to be the property of the person appointed to the office of Treasurer or Trustee of such Society for the time being, in his proper name without further description; and such person shall, and he or she is hereby respectively authorized to bring or defend, or cause to be brought or defended any action, suit, or prosecution, criminal as well as civil, in Law or in Equity, touching or concerning the property, right, or claim aforesaid, of or belonging to or had by such Society, provided such person shall have been thereunto duly authorized by the consent of the majority of Members present at any meeting of the Society, or of a Committee thereof appointed with powers for such purpose; and such person so appointed shall and may, in all cases concerning the property, right, or claim aforesaid of such Society, sue and be sued, plead and be impleaded, in his or her proper name as Treasurer or Trustee of such Society, without other description, and no such suit, action, or prosecution shall be discontinued or abate by the death of such person or his or her removal from the office of Treasurer or Trustee, but the same shall and may be proceeded in by the succeeding Treasurer or Trustee in the proper name of the person commencing the same, any law, usage, or custom to the contrary notwithstanding, and such succeeding Treasurer or Trustee shall pay or receive like costs as if the action or suit had been commenced in his or her name for the benefit of or to be reimbursed from the funds of such Society.

CL. XIX.
In proceedings, a
Member a competent
witness.

That on the trial of any action, indictment, or other proceeding respecting the property of any Society to be enrolled under the authority of this Act, or in any proceedings before any Justice of the Peace, any Member of such Society shall be a competent witness, and shall not be objected to on account of any interest he may have as such Member in the result of such action, indictment, or other proceeding.

CL. XX.
Payment to persons
appearing to be next
of kin declared valid.

That whenever the Trustees of any Society established under this Act, at any time after the decease of any Member, have paid and divided

any sum of money to or amongst any person or persons who shall at the time of such payment appear to such Trustees to be entitled to the effects of any deceased intestate Member, the payment of any such sum of money shall be valid and effectual with respect to any demand of any other persons as next of kin of such deceased intestate Member, or as the lawful representatives of such Member, against the funds of such Society or against the Trustees thereof; but nevertheless such next of kin or representatives shall have remedy for such money so paid as aforesaid, against the persons who shall have received the same.

That in case any Member of any Society shall die who shall be entitled to any sum not exceeding Thirty Pounds, it shall be lawful for the Trustees or Treasurer of such Society, and they are hereby authorized and permitted, if such Trustees or Treasurer shall be satisfied that no Will was made and left by such deceased Member, and that no Letters of Administration will be taken out of the funds, goods, and chattels of such depositor, to pay the same at any time after the decease of such Member, according to the Rules and Regulations of the said Institution; and in the event of there being no Rules and Regulations made in that behalf, then the said Trustees or Treasurer are hereby authorized and permitted to pay and divide the same to and amongst the persons entitled to the effects of the deceased intestate, and that without Letters Testamentary or Letters of Administration having been taken out in this Island.

That for the more effectually preventing fraud and imposition on the funds of such Societies by any Officer, Member, or any other person being or representing himself to be a Member of such Society, or the nominee, executor, administrator, or assignee of any Member of such Society, or any other person whatever who shall, in or by any false representation or imposition, fraudulently obtain possession of the moneys of such Society or any part thereof, or having in his possession any sum of money belonging to such Society, shall fraudulently withhold the same, and for which offence no especial provision is made in the Rules of such Society, it shall be lawful for any one Justice of the Peace residing within the parish within which such Society shall be held, upon complaint made on oath or affirmation by an Officer of such Society appointed for that purpose, to summon such person against whom such complaint shall be made to appear at a time and place to be named in such summons, and upon his appearance, or in default thereof upon due proof upon oath or affirmation of the service of such summons, it shall and may be lawful for any two Justices, or the Police Magistrate residing within the parish aforesaid, to hear and determine the said complaint according to the Rules of the said Society, confirmed as directed by this Act, and upon due proof of such fraud the said Justices or Police Magistrate shall convict the said party, and award double the amount of the money so fraudulently obtained or withheld to be paid to the Treasurer, to be applied by him to the purposes of the Society so proved to have been imposed upon and defrauded, together with such costs as shall be awarded by the said Justices, not exceeding the sum of Ten Shillings; and in case such persons against whom such complaint shall be made shall not pay the sum of money so awarded to the person and at the time specified in the said Order, such Justices or Police Magistrate are hereby required, by warrant under their hands and seals, to cause the same to be levied by distress and sale of the goods of such person on whom such Order shall have been made, or by other legal proceeding, together with such costs as shall be awarded by the said Justices or Police Magistrate, not exceeding the sum of Ten Shillings, and also the costs and charges attending such distress and sale or other legal proceedings, returning the surplus (if any) to the owner; and in default of such distress being found, the said Justices of the Peace or Police Magistrate shall commit such person, so proved to have offended, to the common gaol or house of correction, there to be kept to hard labour for such a period not exceeding one calendar month as to them shall seem fit: *Provided nevertheless*, That nothing herein contained shall prevent the said Society from proceeding by Indictment or complaint against the party complained

No. 49.
13th December, 1843.

CL. XXI.
Payment of sums not exceeding 30*l*. when Members die intestate.

CL. XXII.
Justices may hear cases of fraud, and punish by fine or imprisonment.

Conviction.

Warrant of distress.

Commitment.

Proceeding by Indictment, &c.

No. 49.
13th December, 1843.

CL. XXIII.
Proceedings necessary
for Dissolution of a
Society.

Stock not divisible but
for general purposes
of Society.

Penalties for illegal
Dissolution or division
of funds.

CL. XXIV.
Rules to be made di-
recting how disputes
shall be settled.

of; *And provided also*, That no party shall be proceeded against by Indictment or complaint if a previous conviction has been obtained for the same offence under the provisions of this Act.

That it shall not be lawful for any such Society, by any Rule at any General Meeting or otherwise, to dissolve or determine such Society, so long as the intents and purposes declared by such Society or any of them remain to be carried into effect, without obtaining the votes of consent of five-sixths in value of the then existing Members of such Society, to be ascertained in manner hereinafter mentioned, and also the consent of all persons then receiving or then entitled to receive relief from such Society either on account of sickness, age, or infirmity, to be testified under their hands individually or respectively; and for the purpose of ascertaining the votes of such five-sixths in value, every Member shall be entitled to one vote, and an additional vote for every five years that he may have been a Member: *Provided also*, That no one Member shall have more than five votes in the whole; and in cases of dissolution the intended appropriation or division of the funds or other property of such Society shall be fairly and distinctly stated in the proposed plan of Dissolution, prior to such consent being given; nor shall it be lawful for such Society by any rule to direct the division or distribution of such stock or fund, or any part thereof, to or amongst the several Members of such Society other than for carrying into effect the general intents and purposes of such Society declared by them and confirmed by the Justices of the Peace as aforesaid according to the directions of this Act, but that all such Rules for the Dissolution or determination of any such Society, without such consent as aforesaid, or for the distribution or division of the property, stock, or fund of such Society contrary to the Rules which shall have been confirmed by the said Justices of the Peace at their Sessions and filed in pursuance of this Act, shall be void and of none effect; and in the event of such division of the property or misappropriation of the funds of such Society without the consent hereby declared to be requisite, the Trustee or other Officer or person aiding or abetting therein shall be liable to the like penalties as are hereinbefore provided for in cases of fraud.

That provision shall be made by one or more of the Rules of every such Society, to be confirmed as required by this Act, specifying whether a reference of every matter in dispute between any such Society, or any person acting under them, and any individual Member thereof, or person claiming on account of any Member, shall be made to such of Her Majesty's Justices of the Peace as may act in and for the parish in which such Society may be formed, or to Arbitrators to be appointed in manner herein-after directed; and if the matter so in dispute shall be referred to arbitration, certain Arbitrators shall be named and elected at the first meeting of such Society or General Committee thereof that shall be held after the enrolment of its Rules, none of the said Arbitrators being beneficially interested directly or indirectly in the funds of the said Society, of whom a certain number, not less than three, shall be chosen by ballot in each such case of dispute; the number of the said Arbitrators and mode of ballot being determined by the Rules of each Society respectively, the names of such Arbitrators shall be duly entered in the Book of the said Society in which Rules are entered as aforesaid; and in case of the death or refusal or neglect of any or all of the said Arbitrators to act, it shall and may be lawful to and for the said Society or General Committee thereof, and they are hereby required, at their next meeting to name and elect one or more Arbitrator or Arbitrators as aforesaid, to act in the place of the said Arbitrator or Arbitrators so dying, or refusing or neglecting to act as aforesaid; and whatever award shall be made by the said Arbitrators or the major part of them according to the true purport and meaning of the Rules of such Society confirmed by the Justices according to the directions of this Act, shall be in the form of this Act annexed, and shall be binding and conclusive on all parties, and shall be final to all intents and purposes without appeal, or being subject to the control of one or more Justices of the Peace, and shall not be removed or removable into any Court of Law,

or restrained or restrainable by the injunction of any Court of Equity; and should either of the said parties in dispute refuse or neglect to comply with or conform to the decision of the said Arbitrators or the major part of them, it shall and may be lawful for any one of the Justices of the Peace residing within the parish within which such Society shall be held, upon good and sufficient proof being adduced before him of such award having been made, and of the refusal of the party to comply therewith, upon complaint made by or on behalf of the party aggrieved, to summon the person against whom such complaint shall be made to appear at a time and place to be named in such summons, and upon his appearance, or in default thereof upon due proof upon oath of the service of such summons, any two Justices of the Peace or the Police Magistrate may proceed to make such Order thereupon as to them may seem just; and if the sum of money so awarded, together with the sum for costs, not exceeding the sum of Ten Shillings, as to such Justices shall seem meet, shall not be immediately paid, then such Justices or Police Magistrate shall, by warrant under their hands and seals, cause such sum and cost as aforesaid to be levied by distress and sale of the moneys, goods, chattels, securities, and effects belonging to the said party or to the said Society, or [by] other legal proceedings, together with all further costs and charges attending such distress and sale or other legal proceedings, returning the surplus (if any) to the said party, or to the said Society, or to one of the Treasurers or Trustees thereof; and in default of such distress being found or such legal proceeding being ineffectual, then to be levied by distress and sale of the proper goods of the said party, or of the Officer of the said Society so neglecting or refusing as aforesaid, by other legal proceedings, together with such further costs and charges as aforesaid, returning the surplus (if any) to the owner: *Provided always*, That whatever sum shall be paid by any such Officer, so levied on his property or goods in pursuance of the award of Arbitrators or order of any Justices, shall be repaid with all damages to him by and out of the moneys belonging to such Society, or out of the first moneys which shall be thereafter received by such Society.

That if by the Rules of any such Society, it is directed that any matter in dispute as aforesaid shall be decided by Justices of the Peace or the Police Magistrate, it shall and may be lawful for any such Justice, on complaint being made to him of any refusal or neglect to comply with the Rules of such Society by any Member or Officer thereof, to summon the person against whom such complaint shall be made to appear at a time and place to be named in such summons, and upon his appearance, or in default thereof upon due proof on oath or affirmation of the service of such summons, it shall and may be lawful for any two Justices or the Police Magistrate to proceed to hear and determine the said complaint according to the Rules of the said Society; and in case the said Justices or the Police Magistrate shall adjudge any sum of money to be paid by such person against whom such complaint shall be made, and such person shall not pay such sum of money to the person and at the time specified by such Justices, they shall proceed to enforce their award in the manner hereinbefore directed to be used in case of any neglect to comply with the decision of the Arbitrators appointed under the authority of this Act.

That every Sentence, Order, and Adjudication of any Justices under this Act shall be final and conclusive to all intents and purposes, and shall not be subject to appeal, and shall not be removed or removable into any Court of Law, or restrained or restrainable by the injunction of any Court of Equity.

That it shall and may be lawful for any such Society to receive donations of any person towards the supply of their stock or fund, and all such sums shall be applicable to the general purposes of such Society in the like manner as the contributions of the several Members of such Society are or shall be directed to be applied in pursuance of this Act, and shall not be applied in any other manner.

That a Minor may become a Member of any such Society, and shall be empowered to execute all instruments, give all necessary acquittances, and

No. 49.
13th December, 1843.

CL. XXV.
Reference of disputes to Justices, if so directed by Rules of Society.

CL. XXVI.
Orders of Justices final.

CL. XXVII.
Society may receive Donations.

CL. XXVIII.
Minors may become Members, and have legal authority to act.

No. 49.
13th December, 1843.

Proviso.

CL. XXIX.
Societies shall make
annual audits and
statements of the funds
to the Members.

CL. XXX.
No fees to be charged
on taking Oath.

CL. XXXI.
Interpretation Clause.
Rules.
Parish.
Member.

CL. XXXII.
As to numbers and
genders.
[Provided by a subse-
quent Act.]

enjoy all the privileges and be liable to all the responsibilities appertaining to Members of mature age, notwithstanding his or her incapacity or disability in Law to act for himself or herself: *Provided always*, That such Minor be admitted into such Society by and with the consent of his parents, masters, or guardians.

That the Rules of every such Society shall provide that the Treasurers, Trutees, Stewards, or other principal Officer thereof, shall once in every year at least prepare or cause to be prepared a general statement of the funds and effects of or belonging to such Society, specifying in whose custody or possession the said funds or effects shall be then remaining, together with an account of all and every the various sums of money received and expended by or on account of the said Society since the publication of the preceding periodical statement, and every such periodical statement shall be attested by two or more Members of such Society appointed Auditors for that purpose, and shall be countersigned by the Secretary or Clerk of such Society; and every Member shall be entitled to receive from the said Society a copy of such periodical statement on payment of such sum as the Rules of such Society may require, not exceeding the sum of Sixpence.

That no fee shall be charged to any Member of any Friendly Society whatever for any Oath which he may be legally required to make before a Magistrate in order to obtain the payment of sick pay or allowance, any law, usage, rule, or custom to the contrary notwithstanding.

That the word "Society" shall be understood to include Friendly Society or Societies, Institution or Institutions.

The word "Rules" to include Rules, Orders, and Regulations.

The word "Parish" to include the number of Parishes.

"Member" to include Members and Honorary Members.

* * * * *

SCHEDULE A.

KNOW ALL MEN BY THESE PRESENTS, That We *A. B.*, of _____, Treasurer [*or* Trustee, &c.] of the _____ Society, established at _____ in the Parish of _____, in the Island of _____, and *C. D.*, of _____, and *G. H.*, of _____ (as sureties on behalf of the said *A. B.*), are jointly and severally held and firmly bound to *E. F.*, the present Secretary of this Island, his successors and assigns, in the sum of _____, to be paid to the said *E. F.*, as such Secretary for the time being, or to his successor for the time being, or to his certain attorney, for which payment, well and truly to be made, we jointly and severally bind ourselves, and each of us by himself, our and each of our heirs, executors, and administrators, firmly by these presents, sealed with our seals.

Dated the _____ day of _____, in the year of our Lord _____.

WHEREAS the above-bounden *A. B.* hath been duly appointed Treasurer [*or* Trustee, &c.] of the _____ Society established as aforesaid, and he, together with the above-bounden *C. D.* and *G. H.* as his sureties, have entered into the above-written Bond, subject to the condition hereinafter contained. Now, THEREFORE, the condition of the above-written Bond is such, that if the said *A. B.* shall and do justly and faithfully execute his office of Treasurer [*or* Trustee] of the said Society established as aforesaid, and shall and do render a just and true account of all moneys received and paid by him, and shall and do pay over all the moneys remaining in his hands, and assign and transfer or deliver all securities and effects, books, papers, and property of or belonging to the said Society, in his hands or custody, to such person or persons as the said Society shall appoint, according to the Rules of the said Society, together with the proper or legal receipts or vouchers for such payments, and likewise shall and do in all respects well and truly and faithfully perform and fulfil his office of Treasurer [*or* Trustee, &c.] to the said Society, according to the Rules thereof, then the above-written Bond shall be void and of none effect, otherwise shall be and remain in full force and virtue.

SCHEDULE B.

We the Arbitrators duly appointed by the _____ Society established at _____, in the Parish of _____, in the Island of _____,

do hereby award and order that *A. B.* [specifying by name the party or the officer of the Society] do on the _____ day of _____, pay to *C. D.* the sum of _____, [or we do hereby reinstate in or expel *A. B.* from the said Society, as the case may be].

No. 49.
13th December, 1843.

Dated this _____ day of _____, 18 _____.

E. F.
G. H.

No. 50.

An Act for vesting all Estates and Property in the Island of St. Vincent and its Dependencies occupied for the Ordnance Service in the Principal Officers of Her Majesty's Ordnance, and for granting certain powers to the said Principal Officers. [16th January, 1844.]

WHEREAS divers messuages, lands, tenements, estates, and other hereditaments in these Islands, have at various times been set apart from the Crown Reserves and Estates, and placed under the charge of the Officers of the Department of Her Majesty's Ordnance, or of the Governor or Deputy-Governor respectively for the time being for Military Defence: *And whereas* divers other messuages, lands, tenements, estates, and other hereditaments in these Islands have at various times been purchased for the use of the Department of Her Majesty's Ordnance, or for Military Defence, and have been conveyed [?there]to, or to several different persons, in trust for Her Majesty and Her Royal Predecessors and her and their heirs and successors, and the same have been placed under the charge of the said Department, or of the Governor, Deputy-Governor, or Commander of Her Majesty's Forces in these Islands; *And whereas* it may be expedient that such parts of the said messuages, lands, tenements, estates, and other hereditaments as may not be wanted for the service of the said Department or for Military Defence, should from time to time be also sold and disposed of; *And whereas*, for effectuating such sale, it is necessary that all and every the said messuages, lands, tenements, estates, and other hereditaments so already set apart, or placed under charge, or purchased, or used and occupied by or for the service of the said Ordnance Department, and all other messuages, lands, tenements, estates, and other hereditaments that may be hereafter purchased, or in any manner used and occupied, by or for the service of the said Department, should be vested in the Principal Officers of Her Majesty's Ordnance for the time being: *Be it therefore enacted* by the Lieutenant-Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, that immediately from and after the passing of this Act all messuages, lands, tenements, estates, and other hereditaments, which have been heretofore set apart from the Crown Reserves and Estates, and placed under the charge of the Officers of the said Ordnance Department, or of the Governor or Deputy-Governor respectively for the time being for Military Defence, or which have been heretofore purchased or taken by or in the name of or by any person or persons, in trust for Her Majesty or her Royal Predecessors and her and their heirs and successors, for the use or service of the said Ordnance Department or for Military Defence, or which have been used or occupied for those services, by whatever mode of conveyance the same shall have been so purchased or taken, either in fee or for any life or lives, or any term or terms of years, or any other or lesser interest, and all erections and buildings which now are or which shall or may be hereafter erected and built thereon, together with the rights, members, easements, and appurtenances to the same respectively belonging, shall be and become and remain and continue vested in the Principal Officers of Her Majesty's Ordnance in Great Britain for the time being and their successors in the said Office, according to the respective nature and quality of the said messuages, lands, tenements, estates, and other hereditaments respectively, in trust for Her Majesty, her heirs and successors, for the service of the said Ordnance Department, or for such other public

CL. I.
Lands, &c., held for purposes of Military Defence are to be vested in the Officers of the Ordnance.

No. 50.
16th January, 1844.

CL. II.
Lands, &c., purchased hereafter for the service of the Ordnance are to be vested in the Principal Officer.

service or services as the said Principal Officers or their successors in the said office shall from time to time order and direct.

That from and after the purchase and conveyance, grant or demise, or taking thereof, all other messuages, lands, tenements, estates, and other hereditaments which shall at any time or times hereafter be purchased by the Principal Officers of Her Majesty's Ordnance for the time being, or by any other person or persons by their order, or be placed under their charge for the service of the said Ordnance Department; and all erections and buildings which shall then, or which may thereafter be erected and built thereon, with the rights, members, easements, and appurtenances to the same respectively belonging, by whatever mode of conveyance, either unto or in the name of or in trust for Her Majesty, her heirs and successors, or howsoever otherwise the same shall be purchased or taken, shall in like manner be and become and remain and continue vested in the said Principal Officers of Her Majesty's Ordnance for the time being and their successors in the said Office, according to the nature and quality of the said messuages, lands, tenements, estates, and other hereditaments, and the several and respective estates and interests of and in the same respectively, in trust as aforesaid.

CL. III.
Upon death, &c., of present Officers of Ordnance, lands vested in succeeding Officers.

That upon the death, resignation, or removal of the present Principal Officers of the Ordnance in Great Britain, or of any of them, or of any future Principal Officers or Principal Officer in Great Britain, all such messuages, lands, tenements, estates, and other hereditaments respectively shall become vested in and be held by the succeeding Principal Officers in Great Britain, according to the respective nature and quality of the said messuages, lands, tenements, estates, and other hereditaments, and the several estates and interest of and in the same respectively, in trust as aforesaid.

CL. IV.
Officers of Ordnance may sell or exchange lands, &c.

That it shall and may be lawful for the said Principal Officers for the time being, or any two or more of them, to sell, exchange, or in any manner dispose of, or to let or demise, as well any of the messuages, lands, tenements, estates, and other hereditaments respectively, which shall be vested in them under and by virtue of this present Act, with their respective appurtenances, either by public auction or private contract, [and] in due form of law to convey, surrender, assign, or make over, or to grant or demise the same respectively, as the case may require, to any person or persons who shall be willing to purchase or take the same in exchange or otherwise respectively, and also to do any other act, matter, or thing in relation to any such messuages, lands, tenements, estates, and other hereditaments, which shall by the said Principal Officers be deemed beneficial to the Public Service in relation thereto or for the better management thereof, which might be done by any person having a like interest in any such like messuages, lands, tenements, estates, and other hereditaments.

CL. V.
Moneys to arise from sale of lands to be paid to Officers of Ordnance.

That the moneys to arise and be produced by the sale or exchange of any of the said messuages, lands, tenements, estates, and other hereditaments which shall be so sold or exchanged under the provisions of this present Act, shall be paid by the respective purchaser or purchasers thereof, or the person or persons making such exchange, unto the respective or other Chief Officers or Officer of the Ordnance in the said Island of St. Vincent for the time being, or to such other person or persons as the said Principal Officers for the time being, or any two or more of them, shall direct or appoint to receive the same, for the use of Her Majesty, her heirs and successors, and that the receipt of the said Principal Officers, or of any two of them, or of the said respective or other Chief Officers or Officer, for such moneys, such receipt to be indorsed on every such conveyance, surrender, or assignment as aforesaid, shall effectually discharge the purchaser or purchasers, or persons or person by whom or on whose account the same shall be paid.

CL. VI.
Upon execution of conveyance, &c., purchasers freed from all incumbrances, &c.

That immediately from and after the payment of such purchase-money, and the execution of every such conveyance, surrender, and assignment as aforesaid, the purchaser or purchasers therein named, or the person or persons making such exchange as aforesaid, shall be deemed and adjudged to stand seized and possessed of the messuages, lands, tenements, estates,

and other hereditaments which shall be so purchased or taken in exchange by and conveyed, surrendered, assigned, or made over to him, her, or them respectively, freed and absolutely discharged of and from all and all manner of prior estates, leases, rights, titles, interests, charges, incumbrances, claims, and demands whatsoever, which can or may be had, made, set up, in, to, out of, or upon or in respect of the same messuages, lands, tenements, estates, and other hereditaments, by any person or persons whatsoever, on any account whatever, save and except such estates, leases, rights, titles, interests, charges, incumbrances, claims, and demands as in any such conveyance, surrender, deed of exchange, or assignment, shall be excepted.

That it shall be lawful for the said Principal Officers for the time being, and for the said respective or other Chief Officers or Officer for the time being, and they are respectively hereby authorized and empowered to bring, prosecute, and maintain, in Her Majesty's name, any action or actions of ejectment or other proceedings at Law or in Equity, in the Supreme Court of Judicature in the said Island of St. Vincent, or in any other Court of competent jurisdiction, for recovering possession of any messuages, lands, tenements, estates, and other hereditaments by this Act vested in them as aforesaid, and to distrain and sue for any arrears of rent which shall have become or shall become due for or in respect thereof, under any parol or other demise, from the said Principal Officers or respective or other Chief Officers or Officer for the time being as aforesaid, and also to bring, prosecute, and maintain, in the name of Her Majesty, her heirs or successors, any other action or suit in respect of or in relation to the said messuages, lands, tenements, estates, or other hereditaments, or of any trespass or encroachment committed thereon, or damage or injury done thereto.

That it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, and all Feoffees or Trustees for Charitable or other public purposes, and for all tenants for life and tenants in tail, and for the husbands, guardians, trustees, committees, curators, or attorneys of such of the owners or proprietors of or persons interested in any messuages, lands, tenements, estates, and other hereditaments in the said Islands, which have been or may be hereafter agreed to be purchased or taken for the use of the said Ordnance Department as shall be femmes covert, infants, lunatics, idiots, or persons beyond the seas or otherwise incapable of acting for themselves, to contract or agree with the said Principal Officers for the time being, either for the absolute sale or exchange of any such messuages, lands, tenements, estates, or other hereditaments, or sale of any reversion after any estate or estates for lives or years, or for the grant of any lease either for life or lives, or for any term of years certain therein, or for such period as the exigency of the Public Service shall require, and to convey, surrender, demise, or grant the same accordingly; and all contracts, sales, conveyances, surrenders, leases, and agreements which shall be made in pursuance hereof shall be valid and effectual in law to all intents and purposes whatsoever, and shall be a complete bar to all dower and claims of dowers, estates-tail and other estates, rights, titles, trusts, and interests whatsoever.

That in every such case of purchase or exchange of any lands or hereditaments, or of any such reversion as aforesaid, or purchase of any other interest belonging to any such Body, or other person or persons under any disability or incapacity, or not having the absolute interest therein, the purchase-money, if the same shall amount to or exceed Two Hundred Pounds, shall be paid into the hands of the Treasurer of these Islands for the time being, to the intent that the principal and interest of such money shall be applied under the direction and with the approbation of the Court of Chancery of this Island, to be signified by an Order made upon a Petition to be preferred in a summary manner by the person or persons who would have been entitled to the said lands, tenements, or hereditaments, or the rents and profits thereof, as hereinafter provided, or according to the Judgment of any Court of Law in which the right and title to such lands, tenements, and hereditaments may be contested; and the Treasurer is

No. 50.
16th January, 1844.

CL. VII.
Officers of Ordnance may bring actions of ejectment, &c., for recovery of lands, &c.

CL. VIII.
Bodies Politic or Corporate may contract with Officers of Ordnance for sale of lands, &c.

CL. IX.
In case of lands, &c., being purchased, which belong to persons under Disability, purchase-money to be lodged in the Receiver-General's hands, &c.

No. 50.
16th January, 1844.

heroby authorized and required to receive from and give a discharge for the same to the said Trustees, and upon a receipt thereof to sign a Certificate to the Chancellor of this Island, or to any of the Judges of a Court of Law, in case the right and title to such lands, tenements, and hereditaments be and were contested as aforesaid, under his hand, purporting and signifying that such money was received by and paid to him in pursuance of this Act for the use and benefit of such person or persons who shall be named and described in such certificate; and such certificate shall be filed in the Office of the Registrar of the Court of Chancery of this Island, or in the Office of the Supreme Court of Judicature in which the right and title to such lands, tenements, and hereditaments may be contested; which said sums and sum of money so paid into the hands of the Treasurer shall from time to time respectively, when they shall have been so paid and until any Order shall be made by the Court of Chancery, or Judgment given in a Court of Law as aforesaid for the payment thereof respectively, be deemed and taken as so much lent unto and so much borrowed by the Public of these Islands, and as for the payment of which, and also of interest at and after the rate of Five Pounds per centum per annum, the Public Faith of these Islands shall stand pledged to the person or persons entitled to receive the same under the Order of the Court of Chancery or Judgment of a Court of Law as aforesaid; and the Treasurer for the time being shall, out of any public moneys in his hands, pay such principal and interest to the persons and at the time and in the manner directed by the Order of the said Court of Chancery, or Judgment of a Court of Law as aforesaid.

CL. X.
Chancellor may make
Order for payment
of moneys lodged as
above.

That the Chancellor of this Island shall be and he is hereby authorized and empowered in a summary manner, upon petition by, for, or on behalf of any person or persons interested in or entitled to the benefit of the money so paid to and received by the Treasurer, or the interest or produce thereof, and upon reading the Certificate directed to be signed by the Treasurer, and receiving such further satisfaction thereon as the Court may think necessary, to make, and pronounce such Orders and directions for paying the said moneys or any part thereof for the benefit of the persons entitled to or interested in the same respectively, according to the nature of the right, title, estate, or interest of such person or persons in the said lands, tenements, and hereditaments from which such moneys shall have arisen, and to appoint any person or persons to be trustees or trustee for all or any purposes respecting the said moneys or the persons interested therein or entitled thereto, as the said Court shall think just and reasonable; and the Treasurer for the time being shall be and he is hereby required to obey all such Orders and directions so made and pronounced by the said Court of Chancery touching the said money so paid to and received by him and the interest thereof.

CL. XI.
Purchase-money, if
less than 200*l.*, to be
paid at the option of
the parties entitled,
&c., either to the
Treasurer or to three
Trustees.

That in case such purchase-money, as is lastly hereinbefore mentioned, shall be less than the sum of Two Hundred Pounds, and shall exceed the sum of Twenty Pounds, then in all such cases the same shall, at the option of the person or persons for the time being entitled to the rents and profits of the lands and hereditaments so purchased, or of his, her, or their guardian or guardians, committee or committees, in case of infancy or lunacy, to be signified in writing under their respective hands, [and required] to be paid into the hands of the Treasurer in order to be applied in manner hereinbefore mentioned or otherwise, the same shall be paid at the like option to three Trustees to be nominated by the person or persons making such option and approved of by the said Principal Officers or any two or more of them, or by the said respective or other Chief Officer of the Ordnance for the time being as aforesaid, such nomination or approbation to be signified in writing under the hands of the nominating and approving parties, in order that such principal money may be placed in the hands of the Treasurer and be applied in manner hereinbefore directed, so far as the case be applicable, without obtaining or being required to obtain the order, direction, or approbation of the said Court of Chancery.

CL. XII.
Where purchase-
money is under 20*l.*, it

That in case such purchase-money shall be less than Twenty Pounds, then and in all cases the same shall be applied to the use of the person or

persons who would for the time being be entitled to the rents and profits of the lands and hereditaments so purchased, in such manner as the said Principal Officers, or any two or more of them, or as the said respective or other Chief Officers or Officer for the time being as aforesaid shall think fit, or in case of infancy or lunacy, then to his, her, or their guardian or guardians, committee or committees, for the use and benefit of such person or persons entitled respectively.

That upon the death or removal of any such Treasurer, all moneys vested in him by virtue of this Act shall vest in the succeeding Treasurers, for the purposes hereinbefore mentioned, without any assignment or transfer.

That [in] all contracts, conveyances, surrenders, leases, and other deeds and instruments whatsoever relating to the public service, which shall hereafter be made or entered into by, to, or with the Principal Officers of the Ordnance for the time being, or by, to, or with the Respective or other Chief Officers or Officer of the Ordnance for the time being, in the said Island of St. Vincent and its Dependencies, or whereunto they or any of them shall be parties or a party, it shall be sufficient to call or describe the said Principal or other Officer or Officers as aforesaid, by the style or title of the Officers or Chief Acting Officer (as the case may be) of Her Majesty's Ordnance, without naming them or any or either of them, and that all such contracts, conveyances, surrenders, leases, and other deeds and instrument wherein the said Principal Officers, or the said Respective or other Chief Officers or Officer as aforesaid, shall be called or described by their style or title as aforesaid, and the execution thereof Respectively by the said Principal Officers, or any two or more of them, or by the said Respective or other Chief Officer as aforesaid, and be as valid and effectual, and have the like force and operation, to all intents or purposes whatsoever, as if the said Principal Officer or Officers, or any two or more of them, or the said Respective or other Chief Officers or Officer as aforesaid had been respectively named therein.

No. 50.
16th January, 1844.

may be applied to the use of the parties.

CL. XIII.
Upon death of Treasurer succeeding Treasurer to keep money.

CL. XIV.
In deeds, &c., sufficient to describe Principal Officers, or Chief Officers, of Ordnance without naming them.

No. 51.

An Act for granting further Powers to the Townwardens of the Town of Calliaqua or Tyrrel's Bay. [14th February, 1844.]

WHEREAS in the Act, entitled "An Act for regulating the Police of the Town of Calliaqua or Tyrrel's Bay, in the said Island, and for rendering "the same healthy and commodious," no provision has been made for the appointment of a Poundkeeper for the said Town; *And whereas* it is necessary such an appointment should be made; *Be it therefore enacted* by the Lieutenant-Governor, Council, and Assembly of the Island of St. Vincent, *And it is hereby enacted* by the authority aforesaid, That the present Townwardens shall be and the same are hereby authorized, immediately after the publication of this Act (and all future Townwardens within two days after their appointment), to nominate a fit and proper person to be a Keeper of the Pound in the town of Calliaqua or Tyrrel's Bay.

That the Poundkeeper or any other person shall and may take up and seize any horse, mare, mule, ass, or horned cattle of any kind, sheep, goat, or swine, that may be going loose, or be tied or feeding in the streets, lanes, or public places in the Town, which said animals shall be confined in the Pound by the Poundkeeper, until released by their owner or by any other person; and the said Poundkeeper is hereby authorized and required to demand and receive Five Shillings for every entire horse, mule, or bull, and Two Shillings for every horse, mare, mule, ass, or other cattle; and Ninepence for every sheep, goat, or swine, lodged in the Pound and taken out within six hours; and the sum of Three Shillings and Sixpence for every horse, mare, mule, ass, and horned cattle, and Nine pence for every sheep, goat, or swine, for every twenty-four hours after; and the Poundkeeper is hereby authorized not to deliver up the said animals until he is paid by the claimant the sum already specified; and if any impounded stock shall remain in his possession until the publication of the Official Gazette, he shall insert

CL. I.
Present Townwardens to appoint a Poundkeeper after publication of this Act; and future Townwardens, within two days after their appointment.

CL. II.
Animals going loose to be impounded.

No. 51.
14th February, 1844.

CL. III.
Persons rescuing or attempting to rescue animals, or breaking Pound, subject to penalty.

CL. IV.
Execution of Act by any Justice.

an advertisement therein, containing a description of the same, with a notice that if such impounded stock is not claimed within six days the same will be sold at public sale; which sale he is hereby authorized to make; and the Poundkeeper shall pay himself such fees as he is entitled to receive, and the overplus of such sale to the Townwardens, for the uses of the Town; *Provided*, That the Poundkeeper shall supply each animal with a sufficiency of proper food and water daily, under the penalty of paying the full value of any animal dying from neglect whilst in his custody.

That if any person shall rescue or attempt to rescue any animal about to be or already impounded, or shall break any Pound wherein any animal is confined, he shall, on conviction before any Justice of any of the said offences, forfeit and pay any sum not exceeding One Pound.

That the penalties laid down in the two preceding Clauses shall be recovered in a summary manner before any Justice of the Peace, who is hereby authorized to issue his Warrant to any Constable to levy such penalties, together with all reasonable costs, by distress and sale of the goods and chattels of the offender: *Provided always*, That the prosecution for the offence shall be commenced one calendar month after its commission, and not otherwise; and the evidence of the party aggrieved shall be admitted in proof of the offence.

No. 52.

An Act to repeal the several Acts relating to the Office of Treasurer, and to regulate his Duties.
[14th February, 1844.]

CL. I.
Repeal of former Acts.

WHEREAS it is expedient that the several Laws relating to the Treasurer and his Office should be repealed; We, Your Majesty's most dutiful and loyal subjects, the Lieutenant-Governor, the Council, and Assembly of the Island of St. Vincent and its Dependencies, humbly pray Your Most Excellent Majesty that it may be enacted, *And be it and it is hereby enacted*, That the several Acts, respectively entitled "An Act for establishing a Public Treasury in this Island, for the raising a fund for the discharging of the public debts, and towards defraying the contingent expenses of the same, by tax upon Vintners and Retailers of Spirituous Liquors, and an impost upon Spirituous Liquors imported into this Island, and for appointing a Treasurer;" and "An Act for authorizing the Treasurer to appoint a Deputy, and for the better regulating of the Public Treasury of this Island;" and "An Act to amend an Act, entitled 'An Act for establishing a Public Treasury, and for extending the amount of the security thereby required,'" shall be and the same are hereby repealed.

CL. II.
Appointment of Treasurer vested in Her Majesty.

That the Treasurer shall be appointed by Her Majesty the Queen, her heirs and successors, and the Governor of this Island, Lieutenant-Governor, or Officer administering the Government for the time being, is hereby empowered and directed to administer to him the following Oath, before he takes upon him the execution of his office:—

Form of Oath to be taken by Treasurer on taking office

You A. B. do swear that you will faithfully and truly execute the duty of Treasurer of this Island and its Dependencies, in the manner directed and required by an Act, entitled "An Act to repeal the several Acts relating to the Office of Treasurer, and to regulate his duties," or any other Act. So help you God.

CL. III.
Amount of Security to be given by Treasurer and his Sureties.

That the Treasurer, at or before the time of his being sworn into the said Office, shall enter into a Recognizance, either here or in England, himself in the sum of One Thousand Pounds, with two sufficient sureties in the sum of Five Hundred Pounds each, unto Her Majesty, her heirs and successors, conditioned for the due and faithful performance of the duties of the said Office, and for accounting for and paying over in manner herein-after provided for all public moneys that may come into his possession by virtue of his said Office, or into possession of his heirs, executors, or assigns, in case of death or resignation of Office, which said sureties, at the time of entering into such recognizances (if the same be taken in this country), shall take and subscribe the following Oath:—

All moneys in possession of Treasurer or his executors, heirs, or assigns, to be accounted for.

I A. B. do swear, that I do in my conscience believe, that, after payment of my just debts, I am fairly and *bonâ fide* worth the sum of Five Hundred Pounds in real estate within this Government.

Provided always, That where the Recognizances are entered into in this Government the same shall be drawn by Her Majesty's Attorney-General, who shall superintend the entering into of the same, for which he shall be entitled to receive from the Public Treasury, by order of the Lieutenant-Governor or Officer administering the Government, the sum of Ten Pounds; and the same shall be duly acknowledged before the Chief Justice, or one of the Assistant-Justices of the Supreme Court of Judicature, by whom the above Oath shall be duly administered.

* * * * *

That the Treasurer or Deputy-Treasurer shall have his Office in the Town of Kingstown, where he shall attend regularly every day, from ten o'clock in the morning until three o'clock in the afternoon (except Sundays and such holydays as are allowed to the Officers of Her Majesty's Customs), for the performance of the duties of the said Office; and in cases of wilful default, he shall for each offence forfeit a sum not exceeding Ten Pounds, to be paid by an order by the Lieutenant-Governor or Officer administering the Government on complaint made and substantiated before him: *Provided always*, That it may be lawful for the Treasurer, on any emergency or in case of sickness, to be occasionally absent from his Office, leaving a Clerk to perform the necessary duties.

That a Book shall be provided by the Treasurer, at the public expense, wherein shall be entered an account of all such sums of money as have been or ought to have been received by him, and likewise an account of all such sums of money as shall have been paid by him, under the proper dates, and with the names of the persons paying or receiving the same, which said Cash Book shall be balanced the first day of every month, and shall be kept in the office for the free inspection of any person paying taxes; and in cases of wilful neglect or failure, the Treasurer or Deputy-Treasurer shall, for each offence, forfeit a sum not exceeding Ten Pounds, to be recovered as in previous Clause.

That all moneys shall be deemed and considered as Cash in the possession of the Treasurer, or Deputy-Treasurer, that ought to have been received by him, within the meaning of this or any other Act, which shall have been due and payable for the space of one calendar month or more, by virtue of any Act or Acts already passed or to be passed within this Island; and after the expiration of such month such moneys shall be regularly entered in the Cash Book of the said Treasurer, so directed to be kept as aforesaid: *Provided always*, That it shall be lawful for the Committee of Public Accounts, in cases of insolvency or inability of obtaining payment of amounts due to the public, in cases where no neglect shall appear on the part of the Treasurer or his lawful Deputy, to report the circumstances to the Governor, Lieutenant-Governor, or Officer administering the Government for the time being, who is authorized to relieve the said Treasurer or his lawful Deputy from all responsibility for the amounts so reported by the Committee of Public Accounts.

That the Treasurer or his lawful Deputy do lodge all public moneys in his or their hands, at the time of this Act coming into operation, to the credit of the Treasury of this Colony, in one of the Chartered Banks; and when public moneys received by the Treasurer or his lawful Deputy after such lodgment amount to the sum of One Hundred Pounds, the same shall be immediately lodged as hereinbefore directed; and that no moneys shall be paid, nor any cheques on such Chartered Bank or Banks be drawn by the Treasurer or his lawful Deputy, without a Warrant for the same being issued under the authority of the Governor, Lieutenant-Governor, or Officer administering the Government for the time being; and that all cheques so drawn by the Treasurer or his lawful Deputy shall be paid by the Manager or other accredited Officers of such Chartered Bank or Banks on account of

No. 52.
14th February, 1844.

Form of Oath of Securities.
Attorney-General to superintend the entering into of such Sureties, and to receive the sum of 10*l.* for trouble.

CL. IV.
Treasurer may appoint a Deputy.
[Repealed.]

CL. V.
Hours of Business.

Penalty to be incurred.

Treasurer may be absent on an emergency when a Clerk is present.

CL. VI.
Treasurer to keep a Book at the public expense, to enter all sums of money that have or ought to have been received by him,

Under a penalty of 10*l.*

CL. VII.
All sums that shall have been due or payable for the space of one calendar month to be entered in the Cash Book of such Treasurer.

CL. VIII.
Treasurer or Deputy to lodge Money in Chartered Bank.

No money to be paid by Treasurer without a warrant, and a copy of warrant, certified by Governor, Lieutenant-Governor, or Officer administering the Government, to be sent to the Bank.

No. 52.
14th February, 1844.

CL. IX.
Treasurer to furnish Lieutenant-Governor with Quarterly Reports of Receipts and Disbursements, &c.

Breasurer to produce Books of Accounts every six months for inspection of Committee of Public Accounts.

CL. X.
All actions against Treasurer or Deputy-Treasurer to be commenced within six months after the alleged grievance.

CL. XI.
Appropriation of all Fines.

CL. XII.
Treasurer capable of sitting in Assembly.

But cannot be a Member of Committee of Public Accounts.

CL. XIII.
Salary to Treasurer of 500*l.*, with books and stationery.

the moneys so lodged, provided the said cheques correspond with a duplicate copy of such warrant as before mentioned, certified by the Governor, Lieutenant-Governor, or Officer administering the Government for the time being, and which such duplicate copy the Treasurer or his lawful Deputy is hereby directed to obtain and serve on the Manager or other accredited Officer of the said Bank or Banks, and that without such Warrant no such issue of public money shall be made by the Treasurer himself or his lawful Deputy.

That the Treasurer or his lawful Deputy do furnish the Lieutenant-Governor or Officer administering the Government, every three months, with a statement of the gross amount of receipts and disbursements of his office during that period, and a certificate of the amount lodged to the credit of the Treasury of the Colony from the Cashier of the Chartered Bank in which the public moneys are lodged, and shall also produce his Books of Accounts duly balanced every six months, namely, to the 31st day of December and 30th day of June, for the inspection of the Committee of Public Accounts, and lay before such Committee vouchers for all payments, and give a particular account of all receipts of moneys collected, with a statement of the balance at the credit of the Treasury of the Colony, and answer all such questions as such Committee shall deem necessary for duly auditing the said Accounts.

That any action or suit to be brought against the Treasurer or Deputy-Treasurer, or any other person, for anything done by him or them in pursuance of this Act, shall be commenced within six months after the alleged grievance, and he or they shall or may plead the general issue, and give this Act and the special matter in evidence; and if a verdict be found for the defendant, or the plaintiff shall discontinue or be nonsuited in any such action or suit, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall be entitled to treble costs of suit.

That all Fines and forfeitures not otherwise provided for, shall be recovered by action, bill, or information, in any Court of Record in this Island, and be paid to Her Majesty, her heirs, and successors, for the public uses of this Island and the support of the Government thereof.

That so much of the twelfth Clause of the Act, commonly called the Election Act, as enacts "That no Treasurer, or Officer concerned or employed in the collecting, levying, or managing the taxes, subsidies, and duties to be hereafter raised, levied, or imposed, within this Government, shall be capable of sitting, voting, or acting as a Member of the Assembly of these Islands," shall be and the same is hereby repealed: *Provided always*, That no Treasurer or Deputy-Treasurer who may hereafter be elected a Member of the Assembly shall be capable of acting as a Member of the Committee of Public Accounts.

That the annual sum of Five Hundred Pounds be paid to the Treasurer for the performance of the whole of the duties of his Office, and he be not entitled to any further sum on any pretence whatsoever, except for the necessary books and stationery, unless in cases expressly provided for by other Acts of this Island.

No. 53.

An Act to alter an Act, entitled "An Act to amend so much of the Court Acts as regulates the Sureties entered into by the Provost Marshal General," and to reduce the same. [14th February, 1844.]

CL. I.
Provost Marshal to enter into recognizance, with approved sureties not exceeding four, in a penalty in the whole of 2,000*l.* sterling, and not less than 500*l.* each, for the faithful performance of his duties.

BE IT ENACTED by the Lieutenant-Governor, Council, and Assembly of the Island of St. Vincent, and its Dependencies, that from and after the passing of this Act, any Provost Marshal or Acting Provost Marshal hereafter to be appointed, shall, before he enters on the execution of his said Office, enter into a recognizance, with one or more surety or sureties, not exceeding four in number, to be approved of by the Governor, or Officer administering the Government, before one of the Justices of the Supreme Court

of Judicature of the said Island of St. Vincent, in a penalty equal in the whole to the sum of Two Thousand Pounds of sterling money, unto Her Majesty, her heirs and successors, conditioned for the due and faithful performance of the duties of the said Office; *Provided*, That no person becoming such security shall be bound in a less sum than Five Hundred Pounds of like sterling money; which said sureties, at the time of entering into the said recognizance, shall take and subscribe the following Oath before such Justice:—

I do swear that I do in my conscience believe that after payment of all my just debts, I am fairly and *bonâ fide* worth the sum [*naming the sum for which such sureties become bound*] in real estate, within the Government of St. Vincent: and the said Oath shall be written upon the said recognizance, and shall be with the recognizance recorded in the Secretary's Office.

No. 53.
14th February, 1844.

No. 54.

An Act to provide the Colonial Hospital with Water.

[2nd March, 1844.]

WHEREAS, in and by an Act of this Island, made and passed in the year one thousand eight hundred and twenty-seven, intituled "An Act to amend an Act, entitled 'An Act for enlarging the Town of Kingstown, &c.,' and "for the sale of certain lots of land within the said Town, and for the "appropriation of the purchase money," after reciting that by the third and fourth Clauses of an Act for enlarging the town of Kingstown, passed the tenth of September, one thousand eight hundred and three, the President of the Council, Speaker of the Assembly, Representatives for the town of Kingstown, and Townwardens for the time being, were appointed Commissioners, and were thereby authorized to reserve a sufficient space of the remainder of two lots for the exercise of the Militia, and to divide the residue into eighteen lots, and sell the same in the manner therein particularly specified; and also reciting that the whole of the residue of the said land was not divided and sold according to the said directions, but a small piece of land between the western boundary of the said lots and the high road to Leeward was not included, which it was expedient should be sold; it is amongst other things enacted, That the President of the Council, the Speaker of the Assembly, the Representatives of the town of Kingstown, and the Townwardens for the time being, be and they are thereby appointed Commissioners to divide the said piece of land in the town of Kingstown, situate between the western boundary of the lots in Bentinck Place, numbered from number eight to number eighteen inclusive, and the high road to Leeward, into eleven lots, and to sell the same at Public Sale, according to the directions, and with the same powers and authorities as are specified in the therein recited Act: and it was by the said now reciting Act provided, That the said Commissioners should appropriate the purchase-moneys to be received under the said Act in erecting a stone or brick wall, enclosing the burial-ground in the said Act mentioned (such burial-ground being the lot, piece, or parcel of land particularly mentioned in the Act of the said Island next hereinafter recited, and whereon the Public Hospital has been erected and now stands), and the surplus of such moneys, if any, is by the now reciting Act directed to be paid to the Townwardens, for the use of the said town; *And whereas* a portion of the said land so directed to be sold, as in the hereinbefore recited Act mentioned, remains unsold, and no wall having been erected as contemplated by the said Act, and the subsequent appropriation of the said burying ground for the purpose of a Hospital, as hereinafter mentioned, rendering the brick or stone wall in the hereinbefore-recited Act unnecessary, a substantial fence having been erected in lieu thereof out of funds raised and appropriated for the erection of the said Hospital, it is deemed expedient to effect a sale of the remaining portion of the said Land, as provided for by the hereinbefore-recited Act, and to appropriate the moneys arising therefrom, in manner and for the purposes hereinafter mentioned;

Preamble.

No. 54.
2nd March, 1844.

And whereas, in and by an Act of this Island, made and passed on the twenty-third day of November, one thousand eight hundred and forty, intituled "An Act to appropriate a certain piece of Land, formerly laid out as a Burial-ground, for the erection of a Hospital thereon, and to provide an annual charge for the support of the same," the lot, piece, or parcel of land, situate in or immediately adjoining the town of Kingstown, whereon the Public Hospital is erected, was vested in the President of the Council, and the Speaker of the Assembly of the said Island, and their successors in office for ever, for the purpose of a Public Hospital; *And whereas* it is absolutely necessary for the cleanliness of the said Hospital, and the comfort of the inmates and patients therein, that a supply of water within the walls or grounds of the said Hospital should be obtained; *And whereas* the proprietors of the Montrose Estate in this Island, whose lands adjoin the said Hospital, have consented and agreed, in consideration of the right of water and watercourse hereinafter mentioned to be proposed to be given and granted to them, to make, execute, and perfect to, and vest in the said Trustees of the said Hospital and their successors such watercourse and right of water from and through the said Montrose Estate to the said Hospital, as hereinafter mentioned; and it is proposed to give and grant to the said proprietors of the said Montrose Estate, in lieu and as an equivalent for the watercourse and right of water so to be granted by them, a watercourse and right of water from the Reservoir built on that part of the Botanic Garden whereon is erected the Government House or Cottage, and which in and by a grant from the Crown, bearing date the twenty-fifth day of August, one thousand eight hundred and thirty-nine (duly recorded in the Register's Office), was granted to and vested in the President of the Council, the Speaker of the Assembly, and the Chief Justice of the Court of King's Bench and Common Pleas, and their successors in office for ever, for Colonial uses; *Be it therefore enacted* by the Lieutenant-Governor, the Council, and Assembly of the said Island of St. Vincent and its Dependencies, That it shall and may be lawful to and for the President of the Council and the Speaker of the Assembly for the time being, as such Trustees of the Public Hospital, to accept and take a grant and conveyance from the Proprietors of the Montrose Estate, and all other necessary parties, to them and their successors in office, of such watercourse, with full, free, and absolute use, passage, and run for water, in and through the said Montrose Estate to the public Hospital aforesaid, together with such right of entry, from time to time, on the part of the said Trustees of the said Hospital, their successors and assigns, and their servants, in and upon the said Montrose Estate for the purpose of laying down pipes or repairing the same, or clearing and cleansing such watercourse, and with such other rights, privileges, advantages, and appurtenances to the said watercourse and right of way annexed as shall be agreed on by the Commissioners hereby appointed, or any four of them, and by the said Proprietors of the said Montrose Estate, and approved of by Her Majesty's Attorney-General, such grant and conveyance to contain the usual and customary covenants; and the said President of the Council, the Speaker of Assembly, and the said Chief Justice, as such Trustees of the said land so granted by the Crown as aforesaid, are hereby authorized and empowered, upon such grant and conveyance of watercourse and right of water from the Proprietors of the said Montrose Estate to the said Trustees of the said Hospital being perfected, to grant and convey unto the said Proprietors of the said Montrose Estate, their heirs and assigns, such watercourse, with full, free, and absolute passage and run for water from the Reservoir erected on the land vested in the President of the Council, the Speaker of the Assembly, and the Chief Justice aforesaid, in and by the hereinbefore-mentioned grant into and upon the said Montrose Estate, together with such rights of entry and other rights as shall be agreed on by the said Commissioners hereby appointed, or any four of them, and the said Proprietors of the said Montrose Estate, and approved of by Her Majesty's Attorney-General.

CL. I.
Trustees of Hospital
authorized to take con-
veyance from the Pro-
prietors of Montrose
Estate of right of
watercourse, &c.

Trustees of certain
land in Botanic Gar-
den, authorized on
completion of above
conveyance, to grant
and convey to said
Proprietors of Mont-
rose Estate the right
of water from the
reservoir on said land
to said estate, with
other rights, &c.

That for the purpose of carrying this Act into execution, and making

and entering into the necessary contracts and agreements with the said Proprietors of the said Montrose Estate, and making and superintending the arrangements and directing the erection of the buildings, canals, works, and other proceedings in conducting the water from the said Montrose Estate to the said Hospital, the President of the Council, the Speaker of Assembly, and the Directors or Chairman and Committee of the said Hospital for the time being are hereby nominated and appointed Commissioners for the purposes of this Act, with power to them, or any four of them, to enter into all and every the necessary contracts and agreements and to make the necessary arrangements for effectuating the purposes of this present Act.

That the Commissioners appointed by the said hereinbefore firstly-recited Act shall forthwith cause such of the land in the said Act directed to be sold, as remains unsold, to be sold in manner and according to the directions specified in the said last-mentioned Act.

That so much of the said firstly hereinbefore recited Act as directs the appropriation of the purchase-money receivable on the sale of such part of the land thereby directed to be sold, as now remains unsold, shall be and the same is hereby repealed, and in lieu thereof, *It is hereby enacted*, That the said Commissioners under the said firstly-recited Act shall, on the sale of the said land and receipt of the purchase-money, pay over to the Commissioners appointed under this Act all sum and sums of money arising from the sale of the said land hereby directed to be sold, after deducting all expenses attendant on the sale or in reference thereto, which sum and sums so to be paid into the hands of the said Commissioners hereby appointed shall be appropriated by them in and towards the expense attendant on bringing the said water to the said Hospital, in laying down pipes and making the necessary reservoirs or other erections for effectuating the purposes of this Act.

That nothing in this Act contained shall prejudice or affect the rights of Her Majesty, her heirs or successors, or of any person or persons not named or included therein, but all and every such rights shall be and the same are hereby saved and reserved entire.

No. 54.
2nd March, 1844.

CL. II.
The President of Council, Speaker of Assembly, and Directors or Chairman and Committee of the Hospital, appointed Commissioners for purposes of Act.

CL. III.
Commissioners under firstly-recited Act to cause land to be sold.

CL. IV.
Such of firstly-recited Act as directs appropriation of purchase-money received on sale of lands as remain unsold repealed, and Commissioners under said Act on Sale of Land to pay proceeds to Commissioners under this Act for defraying expense of bringing the said water to the said Hospital.

CL. V.
Nothing contained in Act to affect Her Majesty's rights.

No. 55.

An Act for the Appointment of Townwardens in the Towns of Georgetown, Layou, Barrouallie, and Chateaubellair, with Powers enabling them to keep the same in a proper State and Condition, and to repeal a certain other Act for that purpose. [6th March, 1844.]

WHEREAS it is expedient that additional powers should be vested in the Townwardens for the time being of the several towns of Georgetown, Layou, Barrouallie, and Chateaubellair, to enable them to keep the same in a proper state and condition, and that, to carry such intention into effect, it is necessary to repeal a certain Act, intituled "An Act to revive and re-enact an Act, intituled 'An Act for the appointment of Townwardens 'in the towns of Layou, Barrouallie, and Chateaubellair, and for rendering 'the same Towns healthy and commodious,'" which was published and proclaimed in the year of our Lord one thousand eight hundred and forty-one: *Be it therefore enacted and it is hereby enacted* by the Lieutenant-Governor, Council, and Assembly of this Island of St. Vincent and its Dependencies, and by the authority of the same, that the said recited Act be and the same is hereby repealed accordingly.

That the Townwardens acting under the aforesaid Act hereby repealed, shall be deemed invested with all powers granted by the present Act, as hereinafter expressed, until the first Quarterly Court of Grand Sessions held after the publication of this Act, at which said Court, and once in every year after at the first Quarterly Court, the Justices of the said Court of Grand Sessions shall name and appoint two Townwardens for each of the towns of Georgetown, Layou, Barrouallie, and Chateaubellair, and who shall

CL. I.
Repealing Act of 1841 for the appointment of Townwardens for Layou, &c.

CL. II.
Justices to appoint Townwardens for the several Towns.

No. 55.
6th March, 1844.

be respectable inhabitants and residents thereof respectively, and who shall be possessed of [or] in the occupation of a house of the yearly value of (10*l.*) Ten Pounds in such of the said Towns of which they shall be respectively named Townwardens; and the said Townwardens so from time to time named and appointed as aforesaid shall, within six days after notice being given in the Official Gazette by the Clerk of the Crown of such their respective appointments, attend before any one of Her Majesty's Justices of the Peace and take the following Oath, which such Justice of the Peace is hereby empowered to administer:—

I *A. B.* do solemnly swear, that I will well and truly and according to the best of my knowledge and ability, without favour or affection, execute the office of Townwarden for the town of _____, according to the true intent and meaning of the Act, intituled "An Act for the appointment of " Townwardens in the towns of Georgetown, Layou, Barrouallie, and " Chateaubellair, with powers enabling them to keep the same in a proper " state and condition, and to repeal a certain other Act for that purpose."

CL. III.
Penalty on Townwardens not serving.

That any Townwarden being so named and appointed as aforesaid, and such notice having been given thereof, who shall refuse to serve such office of Townwarden shall forfeit and pay the sum of Five Pounds; and in case of the death of any Townwarden, or his refusal to serve such office, the said Justices are hereby authorized, at their next Quarterly Sessions after such death or refusal, to nominate and appoint a fit and proper person to act as Townwarden in his stead; and such person so appointed shall have the same powers and authorities, and be liable to the same penalties for not acting, as mentioned in this Act: *Provided always*, That no person shall be compelled to serve as such Townwarden for two successive years without his consent.

CL. IV.
Power to assess.

That the said Townwardens shall once in each and every year sit in the Police Station-house, or other public building of the Town of which they shall be respectively appointed Townwardens, and shall then and there proceed to rate and assess all the houses and lots comprised in such Town according to the yearly value thereof, not exceeding Three per Cent. in any one year; and also to rate and assess all lots having no buildings erected thereon, at a rate not exceeding Twenty Shillings in every year; and that all persons residing in or occupying such houses and lots shall, for the purpose of this Act, be deemed and taken to be the proprietors thereof, and shall be liable to be rated and assessed for the same accordingly; *Provided nevertheless*, That any yearly or other tenant who shall pay such rate or assessment is hereby authorized to deduct the same out of his rent, unless there is any written agreement to the contrary.

CL. V.
Mode of Assessment.

That the said Townwardens shall enter in a Book to be kept for that purpose, the name of every person who shall be so assessed, the description of the property for which he is assessed, and the amount of such Assessment; and that the said Townwardens shall furnish each person so assessed with a copy of the entry regarding himself, and the service of such copy by leaving the same at his usual place of abode shall be deemed to be good service and a sufficient demand for the payment thereof.

CL. VI.
Power to appoint Collector of Rates, &c.

The said Townwardens are hereby authorized to and shall appoint a fit and proper person to collect such rates and assessments in each of the said Towns, and to pay him for so doing at and after the rate of Five Pounds per cent. on the amount of such collection; and a notice of his appointment in the Official Gazette, signed by the said Townwardens, shall be a sufficient notification of his authority to act as such Collector, and his receipt shall be a sufficient discharge for the payment of any Rates or Assessments made to him.

CL. VII.
Power to Townwardens to proceed for past Assessments.

That in case of the nonpayment of any Rate or Assessment made in pursuance of the provisions of this Act during the term of office of the Townwardens making the same, it shall be lawful for the succeeding or any subsequent Townwardens, or their Collector, and they are hereby empowered to proceed against such persons so neglecting or refusing to pay such Assessments in the same manner as if such Assessments had been made by themselves.

That if any person or persons so rated or assessed as aforesaid shall neglect or refuse to pay any such Rates or Assessments within three months in every year, the Townwardens (or one of them) shall apply to a Justice of the Peace, who, on proof of a demand having been made for payment in the manner hereinbefore directed, and on the oath of the said Townwardens (or one of them) or of the Collector, that the rate and assessment is still due, shall issue his warrant to any Constable to levy the amount of the rate and assessment so stated on oath to be due, together with the costs and charges of said application, by distress and sale of the goods and chattels of the person so neglecting or refusing to pay such assessment; and the said Constable shall return the overplus, if any, of the proceeds of such sale (after retaining the usual charges for selling the same) to the owner thereof; and that such sale shall take place within ten days after such distress shall be made; and that such warrant shall be in the form or to the effect set forth in the Schedule to this Act annexed.

That all moneys arising from the Rates and Assessments before mentioned, and all fines, forfeitures, and penalties to be incurred and paid unto the Townwardens, under this or any other Act now or hereafter to be in force, shall be applied by them to pay off all debts incurred by their predecessors in office, and the salaries of persons employed by them under this Act; also in paving, mending, and repairing the streets and roads, making common sewers and aqueducts, repairing bridges, cleaning, draining, or filling up the Parade and Bleaching-ground, and all other public lots or spaces of land; in the payment of all costs and prosecutions to be incurred under this Act, and in defence of all actions to be brought against them for enforcing the same, and generally for such other works and improvements for the good and benefit of the inhabitants of the said Town, as shall be thought useful and necessary by the said Townwardens: *Provided nevertheless*, The said Townwardens shall not undertake any new or expensive building that will exceed the sum of Five Pounds, without first calling a meeting of the Freeholders of the said town, or lawful Attorneys of such freeholders, who are to be summoned by an advertisement in the Official Gazette of the said Island, at least six days before such meeting, or without the consent of the said Freeholders, Attorneys, or a majority of them present at such meeting, to the undertaking and executing such new and expensive buildings proposed by the said Townwardens, who are hereby declared liable to presentment at the Sessions, or amercement, upon neglect of duty; and the lawful Attorney of each freeholder shall in the absence of such freeholder have a vote for each freeholder that he represents.

That the said Townwardens shall twice in every year, or oftener if required so to do, give a just account to the House of Assembly, at their Quarterly Meetings in the months of June and December, how the moneys received and collected by them are or have been disposed of, copies of which accounts are to be open to the inspection of all ratepayers; and shall pay into the hands of their respective successors in the said office any balance that may be in their hands, after defraying the expenses of such work and labour as shall be done in the said town by their directions and in pursuance of this Act; and the Townwardens neglecting or refusing to render such account at the time specified, or to pay such balance within ten days after such going out of office, shall forfeit for every such neglect or refusal Twenty Pounds, to be recovered and applied in manner hereinafter directed, and also shall be liable to an action at Common Law, to be brought against them at the suit of the succeeding Townwardens for such balance as may be in their hands.

That all persons who shall hereafter encroach on any street or lane in either of the said towns, as laid out by the Commissioners, by erecting or building thereon (open piazzas in the streets that are thirty feet wide excepted), and who do not remove such building within thirty days after notice being given in writing by the Townwardens of the same town, or who shall cover any building with trash or dried grass, or who shall build or erect a necessary-house adjoining any street or lane in such town, so as to be a nuisance to the neighbourhood, and do not remove the same in one week after

No. 55
6th March, 1844.

CL. VIII.
Power to compel payment of Assessment.

CL. IX.
Application of Assessment.

Proviso.
That the Townwardens do not undertake any new buildings that will exceed 5*l.* without consent of a majority of Freeholders, to be summoned for that purpose.

CL. X.
Townwardens to account to House of Assembly of the moneys received and paid by them, and to hand over balance under penalty.

CL. XI.
Power to remove Encroachments hereafter made.

No. 55.
6th March, 1844.

notice being given by such Townwardens, it shall then be lawful for the said Townwardens, and they are hereby empowered by writing under their hand to require and direct one or more Constable or Constables, by themselves or with others, immediately to remove such encroachment, trash or dried grass, or buildings, at the expense of the person erecting or putting on the same, which expense shall be recovered in the same manner as fines and forfeitures under this Act; and the said Constable or Constables, and others so receiving such direction in writing from the said Townwardens, is hereby authorized and empowered to remove such encroachment, trash, dried grass, or buildings.

CL. XII.
Power to remove or
lease Encroachments
made within twelve
months.

That in case any building or other erection shall, within twelve months prior to the publication of this Act, have been erected or built on any lot of land reserved by the Commissioners for Her Majesty the Queen, or for the public use of the town where such building or other erection shall have been made, the Townwardens are hereby authorized and empowered, with the consent of a majority of the Freeholders of the respective towns, to rent the same to the person or persons who erected and built the same, for a certain term not exceeding Twenty-one years, at such rate as may be mutually agreed upon, and in default of such mutual agreement, then the amount of rent to be decided by Arbitrators, one to be chosen by each party; and the said Arbitrators are to appoint an Umpire, or in default of such appointment, the Treasurer of the Island for the time being or his Deputy shall appoint such Umpire on the application of either Arbitrator, the decision of such Arbitrators and Umpire, or the majority of them, to be final and conclusive on both parties; and in the event of the persons who so erected and built the same premises refusing to pay the amount of rent so fixed, or refusing to appoint an Arbitrator, then the said Townwardens are hereby authorized to direct such buildings or erections to be removed in the same manner as hereinbefore by this Act directed with regard to encroachments.

CL. XIII.
Providing proper
places for the reception
of broken bottles and
rubbish, and to pre-
vent their becoming a
nuisance to the town.

And whereas many accidents arise from the carelessness of people throwing broken bottles, or other broken glass and rubbish into the public grounds, streets, or lanes of the said towns, or on the sea side, or in the surf of the sea; *Be it therefore enacted*, That the said Townwardens shall, under a penalty of Ten Pounds, to be recovered as all fines and forfeitures are directed by this Act to be recovered, cause two pits to be dug in the ground, and a wall of brick and lime, or stone and lime, to be built round each pit, at least four feet above the ground (should there be no pits already erected), to contain the broken bottles and glass of the said towns, to be built in the most convenient places of the said towns (to be fixed on by the Townwardens), at the expense of the said towns, to which pits the inhabitants of the said towns shall be obliged to carry all broken glass and bottles; and the said Townwardens are hereby authorized to hire boats or canoes, at the expense of the said towns, to carry out to sea, beyond the shipping, from the said pits, as often as it is necessary, all such broken bottles and glass; and every person convicted upon the oath of one witness, or by the confession of the party, of any such offence, or who shall not carry or cause to be carried his, her, or their broken bottles and glass to the pits made by the Townwardens, shall forfeit the sum of Twenty Shillings, to be levied by warrant under the hand and seal of any Justice of the Peace or Townwardens [*sic*], directed to any Constable, on the goods and chattels of such offender, and for want of effects sufficient to pay the said fine, such offender shall be imprisoned for a period not exceeding seven days, unless in the meantime he or she shall have paid the said fine; but if it cannot be discovered who it is that has thrown such broken bottles, glass, or rubbish, then the Townwardens shall order the possessor or person living in any house opposite or nearest to which such broken bottles, glass, or rubbish lies, to remove the same, within three hours after notice given, to the places erected by the Townwardens for receiving such broken bottles, glass, and rubbish; and, in case of refusal or neglect to remove such nuisance within the time limited, the Townwardens are hereby directed to issue a warrant, directed to any Constable, to levy a fine of Twenty Shillings for such refusal or neglect on such offender's effects, to be immediately sold, and the fine to be applied as

all other fines and forfeitures imposed by this Act are; and the Constable shall receive for all charges of levy and sale of the goods of such offender, the sum of Five Shillings; and in case any person shall throw or cause to be thrown any broken bottles or glass, in any part of the sea bounding the said town, between the usual anchoring places for vessels and the land, he or she shall be liable to the same penalty as last mentioned, to be recovered in like manner.

That within two days after their appointment, the Townwardens shall meet and nominate a fit and proper person to be a Keeper of the Pound in the several towns of which they are respectively appointed Townwardens; and that the Poundkeeper or any other person shall and may take up and seize any horse, mare, mule, ass, or horned cattle of any kind, sheep, goat, or swine, that may be going loose, or be tied or feeding in the streets, lanes, or public places in the town, which said animals shall be confined in the Pound by the Poundkeeper, until released by their owners or by any other person; and the said Poundkeeper is hereby authorized and required to demand and receive Five Shillings for every entire horse, mule, or bull, and Two Shillings for every horse, mare, mule, ass, or other cattle, and Nine pence for every sheep, goat, or swine, lodged in the Pound and taken out within six hours; and the sum of Three Shillings and Sixpence for every horse, mare, mule, ass, and horned cattle, and Nine pence for every sheep, goat, or swine, for every twenty-four hours after: and the Poundkeeper is hereby authorized not to deliver up the said animals until he is paid by the claimant the sum already specified; and if any impounded stock shall remain in his possession until the publication of the Official Gazette, he shall insert an advertisement therein containing a description of the same, with a notice that if such impounded stock is not claimed within six days, the same will be sold at public sale, which sale he is hereby authorized to make; and the Poundkeeper shall pay himself such fees as he is entitled to receive, and the overplus of such sale to the Townwardens for the uses of the town: *Provided*, That the Poundkeeper shall supply each animal with a sufficiency of proper food and water daily, under the penalty of paying the full value of any animal dying from neglect whilst in his custody.

That if any person shall rescue or attempt to rescue any animal about to be or already impounded, or shall break any Pound wherein any animal is confined, he shall, on conviction before any Justice of any of the said offences, forfeit and pay any sum not exceeding Twenty Shillings, to be levied on the goods and chattels of such offender by warrant under the hand and seal of the said Justice directed to any Constable; and the goods and chattels so levied upon shall be sold within ten days after such levy, and the surplus (if any), after paying the fine imposed and Two Shillings and One Penny to the Constable, shall be returned to the owner of the goods and chattels so levied on.

That the Townwardens shall and are hereby required to erect, or cause to be erected, Pillars of brick or stone, with mortar, of such dimensions as cannot easily be removed, at the several angles of the said town, to ascertain the boundaries thereof as laid out by the Commissioners for the Sale and Disposal of Lands; and the said Townwardens shall and may employ if necessary, at the expense of the said town, the Crown and Colony Surveyor, to ascertain the different spots where the said Pillars are to be fixed, which said Pillars are and shall be considered and taken to be the boundaries of the said town, and the inhabitants thereof shall not be taxed or assessed to make, mend, or repair any of the Highways of this Island, except as much of the highway as now passes through the said town.

That the said Townwardens or either of them are hereby authorized and empowered to take up, or cause the Constables to take up and confine, all drunken, idle, and disorderly persons whatsoever that shall be seen wandering, or quarrelling, or making a noise in the streets, or that shall be seen in any grog-shop or places where liquors are retailed after the hour of eight o'clock in the evening; and the said Constables are hereby directed to confine in the station-house of the Police force in the said town such drunken, idle, and disorderly persons and wanderers, by a

No. 55.
6th March, 1844.

CL. XIV.
Townwardens to appoint Keepers of Pound, and animals going loose to be impounded.

CL. XV.
Persons rescuing or breaking Pound.

CL. XVI.
Townwardens to ascertain boundaries of the town, and cause them to be marked by Pillars.

CL. XVII.
Townwardens to apprehend all idle and disorderly persons, and those found in grog-shops after eight o'clock.

No. 55.
6th March, 1844.

CL. XVIII.
Manure stowed in
Town to be removed.

CL. XIX.
Persons not to expose
their persons by bath-
ing, under penalty.

CL. XX.
Execution of Act by
any Justice.

CL. XXI.
Fines for the use of
the Town.

CL. XXII.
One Townwarden
[may exercise the]
power of two.

verbal order of the Townwardens, for any space of time not exceeding twenty-four hours.

That if at any future time any whale-blubber, compost, or any other animal manure shall be imported, no person shall store or house the same within the said town, or if landed shall allow it to remain on the beach or elsewhere, for more than forty-eight hours, under a penalty of Twenty Shillings, for each cask or package, for every day during the continuance of the nuisance; and any person keeping any rotten or stinking fish, beef, pork, rancid oil, or other offensive matter in any house, store, or yard, or premises adjoining, after notice in writing from any Townwarden to remove the same, shall be subject to the same penalty.

That no person shall expose his person by openly bathing in any of the rivers or streams flowing through and being with or adjoining the towns, or in the sea, in view of any dwelling-house, under a penalty of Ten Shillings for each offence.

That all fines, penalties, and forfeitures (not otherwise provided for) shall be recovered in a summary manner before any one Justice of the Peace, who shall and is hereby authorized to hear and determine all offences against this Act not otherwise provided for, and is empowered to proceed therein in all respects as the Police Magistrate is authorized and empowered to do under an Act, entitled "An Act for improving the Police of these Islands," and upon conviction of any offender to fine him, or to commit him to the common gaol, or to issue his warrant to any Constable to levy all such fines, penalties, and forfeitures, together with all reasonable costs, by distress and sale of his goods and chattels: *Provided always*, That the prosecution for every offence punishable on summary conviction under this Act shall be commenced within two calendar months after the commission of the offence, and not otherwise; and the evidence of the party aggrieved shall be admitted in proof of the offence.

That all fines, penalties, and forfeitures hereby imposed, and not otherwise disposed of, shall be to Her Majesty, her heirs and successors, and shall be paid to the Townwardens for the general use of the town, and shall be accounted for by them in their general account of their expenditure.

That all things herein authorized to be done by the two Townwardens of each Town may be done by one.

SCHEDULE A.

WHEREAS [by] an Act of the Island of St. Vincent and its Dependencies, entitled "An Act for the appointment of Townwardens in the several Towns of " [? *Georgetown*], Layou, Barrouallie, and Chateaubellair, with powers enabling " them to keep the said Towns in a proper State and Condition," a tax and assessment was made, whereby *A. B.* is subject and liable to pay the sum of , in respect of the lot situate in the said town of ; and whereas oath hath been made before me by *C. D.*, Collector of the Taxes for the said town, that he the said *C. D.* hath demanded of and from the said *A. B.* payment of the sum so assessed as aforesaid, and that the said *A. B.* hath neglected [or refused] to pay the same; and whereas the Townwardens [or one of the Townwardens] have applied to me, as a Justice of the Peace, to issue my warrant to levy the said amount: THESE ARE THEREFORE to authorize and require you to levy upon the said *A. B.* the said sum of , by distress and sale of such proportion of the said lot so taxed or assessed as aforesaid, or upon the goods and chattels of the said *A. B.*, as shall [be] required to satisfy the said tax or assessment.

Given under my hand and seal, at , this day of , 18 .

No. 56.

An Act for granting a Salary to Her Majesty's Attorney-General of the Island of St. Vincent and its Dependencies. [13th March, 1844.]

WHEREAS the duties of the Attorney-General of these Islands have greatly increased, owing to the holding of Quarterly instead of Half-yearly Sessions, and other professional duties, which the Attorney-General is called upon to perform; And whereas it is expedient that a salary affording a sufficient

remuneration for the duties attached to the said office, and for enabling the said Officer to support the dignity of the same, should be provided; We, therefore, the Lieutenant-Governor, Council, and Assembly of the said Island of St. Vincent and its Dependencies, have enacted, *And be it and it is enacted*, That from and after the publication of this Act all Acts heretofore passed by the Legislature for granting Salaries to the Attorney-General, whether by name or otherwise, shall be and are hereby repealed.

That there shall be paid by the Public Treasurer to the Attorney-General of these Islands, or to his Order, in quarterly payments, the annual sum of Four Hundred Pounds.

That the Attorney-General shall conduct the business not only of the Quarterly Sessions, but of all and every other Special Court that shall be held during the year, and shall, when required so to do by any Member of the Board of Council or House of Assembly, draft any Bill or Bills to be introduced into the Legislature; also to draw all recognizances and superintend the entering into of the same by all Public Officers for the due performance of their duties.

That any Member who shall require a Bill to be drafted shall give notice in writing to the Attorney-General of the nature of the Bill, at least thirty days before the meeting of the Legislature, and that such Bill shall be drafted and be delivered to such Member after the expiration of the said thirty days, upon the same being demanded.

That this Act shall remain in force for Three Years from the publication thereof, and no longer.

No. 56.
13th March, 1844.

CL. I.
Repeal of former Acts.

CL. II.
Treasurer to pay annual sum of 400*l.* to Attorney-General.

CL. III.
Duties of Attorney-General.

CL. IV.
Bills to be drafted by Attorney-General for Members of Legislature within 30 days after notice given him by them for that purpose.

CL. V.
Duration of Act.
[Made permanent.]

No. 57.

An Act to alter and amend an Act, entitled "An Act to prevent the unauthorized Occupation of Crown or other Lands."

[11th April, 1844.]

WHEREAS the Legislature of the Island of St. Vincent and its Dependencies, in the month of October, one thousand eight hundred and forty-two, passed an Act, entitled, "An Act to prevent the Unauthorized Occupation of Crown or other Lands," with a Clause suspending its operation until Her Majesty's pleasure should be known thereon: *And whereas* Her Majesty, on the third day of April, one thousand eight hundred and forty-three, was pleased, by and with the advice of her Privy Council, to declare her special confirmation of the same; *And whereas* by the Fifth Clause of the said Act it is provided that no Order for the delivery up of possession of lands mentioned in the said Act shall be made by any Justice, if it shall appear to such Justice that the party or parties against whom any such order is sought, hath or hath been, by himself or themselves or by those under whom he or they claim title, in the quiet possession of the land mentioned or referred to in any such information for One Year next before the date of this [? the said] Act, or that such party or parties hath or have any probable claim or pretence of lawful title to such lands, or to the occupation thereof; *And whereas* it has been found necessary to extend the period of possession: *Be it therefore enacted* by the Lieutenant-Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, That the said Fifth Clause of the above-recited Act shall be repealed.

That no Order for the delivery up of possession of any lands mentioned in the above in part recited Act shall be made by any Justice, if it shall appear to such Justice that the party or parties against whom any such Order is sought hath or have been, by himself or themselves or by those under whom he or they claim title, in the quiet possession of the land mentioned or referred to in any such information, for Three Years next before the date of this Act, or that such party or parties hath or have any probable claim or pretence of lawful title to such lands or to the occupation thereof.

That this Act shall not come into operation until Her Majesty's pleasure be known thereon.

CL. I.
Repeals Fifth Clause of former Act.

CL. II.
No Order to be made by Justice for delivering up possession of land where party appear to have occupied the same for Three Years before passing of Act.

CL. III.
Operation of Act suspended.

No. 58.

An Act to reduce Fines and Penalties imposed in Current Money into Sterling Money. [11th April, 1844.]

Preamble.

WHEREAS the Legislature of the Island of St. Vincent and its Dependencies, by an Act published in December, one thousand eight hundred and thirty-nine, entitled "An Act for the Abolition of Currency and the "Substitution of Sterling Money in these Islands," enacted that the denomination of Colonial Currency or Current Money should be abolished in these Islands, and that from thenceforth all contracts, wages, agreements, mortgages, bonds, notes, awards, decrees, judgments, executions, taxes, fees, salaries, fines, penalties, damages, costs, and charges, receipts, and payments of every description, should be computed, entered up, levied, sued for, recovered, received, and paid in Sterling Money of Great Britain, and in no other manner; *And whereas* there are many Laws and Regulations now in force which were passed anterior to the passing of the above in part recited Act, in which fines, penalties, and forfeitures for certain offences and misdeeds are stated in Currency or Current Money; *And whereas* it is expedient the said Laws should be amended, so as to enable Judges, Justices, and Magistrates legally to adjudicate upon, levy, and enforce payment of such fines, penalties, and forfeitures, *Be it therefore enacted* by the Lieutenant-Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, That in all Acts of the Legislature of the said Island of St. Vincent and its Dependencies, made and passed anterior to the said Act for the abolition of Currency and the substitution of Sterling, it shall be lawful in all Courts to sue for and recover such fines, penalties, and forfeitures, and for all Judges, Justices, and Magistrates to adjudicate, levy, and enforce payment of all such fines, penalties, and forfeitures, by reducing the Current Money or Currency into Sterling at the rate of Eight Shillings Sterling for every Pound Currency, and so in proportion for any sum less than One Pound.

CL. I.
Reduces fines and penalties imposed in Current Money into Sterling, at the rate of 8s. Sterling for every 1l. Currency.

No. 59.

An Act to alter and amend an Act, entitled "An Act to extend parts of "certain Acts of the Imperial Parliament to these Islands for the "Administration of Criminal Justice." [11th April, 1844.]

[The Act of 9th December, 1830, No. 23.]

WHEREAS it is necessary to alter and amend the Act of this Island, entitled "An Act to extend parts of certain Acts of the Imperial Parliament of these "Islands, for the administration of Criminal Justice," so far as relates to any person who shall unlawfully and maliciously administer or attempt to administer to any person, or who shall cause to be taken by any person, any poison or other destructive thing, or who shall unlawfully and maliciously attempt to drown, suffocate, or strangle any person, or who shall counsel, aid, or abet therein; and so much of the same Act as relates to any person who shall unlawfully and maliciously shoot at any person, or who shall, by drawing a trigger or in any other manner, attempt to discharge any kind of loaded arms at any person, or who shall unlawfully and maliciously stab, cut, or wound any person, with any of the intents in the said Act mentioned, or who shall counsel, aid, or abet therein; and so much of the same Act as relates to any person who shall use any of the ways or means mentioned in the said Act with intent to procure the miscarriage of any woman, or who shall counsel, aid, or abet therein; and so much of the said Act as relates to the punishment of accessories after the fact to such of the Felonies punishable under the said Act as is hereinbefore referred to; *Be it therefore enacted* by the Lieutenant-Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, that so much of the said Act as is hereinbefore referred to shall continue in force until and throughout the twenty-eighth day of March, in the year one thousand eight hundred and forty-four,

CL. I.
Repeal of certain Provisions of recited Act.

See post 144

and shall from and after that day be repealed, except as to offences committed before or upon the said day of March, which shall be dealt with and punished as if this Act had not been passed.

That whosoever shall administer to or cause to be taken by any person any poison or other destructive thing, or shall stab, cut, or wound any person, or shall by any means whatsoever cause to any person any bodily injury dangerous to life, with intent in any of the cases aforesaid to commit Murder, shall be guilty of Felony, and being convicted thereof shall suffer death.

That whosoever shall attempt to administer to any person, any poison or other destructive thing, or shall shoot at any person, or shall by drawing a trigger or in any other manner attempt to discharge any kind of loaded arms at any person, or shall attempt to drown, suffocate, or strangle any person, with intent, in any of the cases aforesaid, to commit the crime of Murder, shall, although no bodily injury shall be effected, be guilty of Felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of his or her natural life, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

That whosoever unlawfully and maliciously shall shoot at any person, or shall by drawing a trigger or in any other manner attempt to discharge any kind of loaded arms at any person, or shall stab, cut, or wound any person, with intent, in any of the cases aforesaid, to maim, disfigure, or disable such person, or to do some other grievous bodily harm to such person, or with intent to resist or prevent the lawful apprehension or detainer of any person, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of his or her natural life, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

That whosoever, with intent to procure the miscarriage of any woman, shall unlawfully administer to her, or cause to be taken by her, any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, shall be guilty of Felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported beyond the seas, for the term of his or her natural life, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

And whereas by the said Act it is (amongst other things) enacted that every person convicted of the crime of rape should suffer death as a Felon; and that if any person should unlawfully and carnally know and abuse any girl under the age of ten years, every such offender should be guilty of Felony, and being convicted thereof should suffer death as a felon; *And whereas* it is expedient that the said several offences hereinbefore last specified should no longer be punishable with death; *Be it enacted*, That, from and after the commencement of this Act, if any person shall be convicted of any of the said offences hereinbefore last specified, such person shall not be subject to any sentence, judgment, or punishment of death, but shall, instead of the sentence or judgment in and by the said Act ordered to be given or awarded against persons convicted of the said last-mentioned offences or any of them respectively, be liable to be transported beyond the seas for the term of his natural life.

That, in the case of every Felony punishable under this Act, every principal in the second degree and every accessory before the fact shall be punishable with death or otherwise in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any Felony punishable under this Act shall on conviction be liable to be imprisoned for any term not exceeding two years.

* * * * *

That this Act shall commence and take effect on the twenty-ninth day of March, one thousand eight hundred and forty-four.

No. 59.
11th April, 1844.

CL. II.
Punishment for administering poison, or doing other bodily injury, with intent to commit Murder.

CL. III.
Punishment for offences with intent to commit Murder, though no bodily injury effected.

CL. IV.
Punishment for cutting and maiming with intent to disfigure.

CL. V.
Punishment for trying to procure Abortion.

CL. VI.
Rape not to be punished with death.

CL. VII.
Punishment of Accessories.

CL. VIII.
[Repealed by Act of 29th August, 1855, Cl. X.]

CL. IX.
Commencement of Act.

No. 60.

An Act to restrain the Cutting down Trees, and the Burning and Unlicensed Dealing in Charcoal within this Government.

[6th July, 1844.]

Preamble.

WHEREAS the practice of felling trees for the purpose of converting the same into Charcoal, for sale by persons who are in unauthorized occupation of Crown and other lands and by settlers in the woods of this Island, has become an evil of great magnitude, inasmuch as the attraction of rain caused by such trees is deemed one of the principal reasons of the fertility of this Island, and it hath been found that the Act of the Island now in force is insufficient to meet the altered circumstances of this Colony in this respect, and it is expedient that under the circumstances aforesaid some provisions should be made for preventing this growing evil; and in order to make the same effectual, it is deemed advisable to restrain the unlicensed dealing in Charcoal: *Be it therefore enacted* by the Lieutenant-Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, and by the authority of the same, That an Act passed in the month of February, in the year of our Lord one thousand eight hundred and thirty-nine, entitled "An Act to repeal an Act to restrain the cutting down trees "and making Charcoal, and to make other provisions in lieu thereof," be, and the same and all and every the clauses, matters, and things therein contained is and are hereby repealed.

CL. I.

Repeals the Act of 1839 to prevent the cutting down trees, &c. &c.

CL. II.

No person, unless seized in fee simple or fee tail, &c. &c., to cut down any timber.

Persons not entitled so to do, and those assisting in cutting down and burning Charcoal, liable to a fine of 5l. One half to informer, and the other to the Treasury.

In default of payment may be imprisoned not exceeding thirty days.

Proviso.

Agents of authorized persons to assist in cutting down trees and converting the same into Charcoal.

CL. III.

Unlicensed persons selling Charcoal; and persons buying from them, liable to be fined 40s., and in default of payment to be imprisoned for any time not exceeding ten days.

That it shall not be lawful for any person unless he shall be seized in fee simple or fee tail, for term of his own life, or for term of another's or others' life or lives, or unless mortgagee in possession, or unless lessee or assignee of a lessee, having right and power under the lease so to do, to fell or cut down any timber or other trees, of any description whatsoever, growing, standing, or being upon any land within this Government, whether in his occupation or possession, legally or otherwise: and every person not holding or being entitled as aforesaid who shall fell, cut down, burn, or otherwise destroy, or aid or assist in cutting down, burning, or destroying any tree of any description whatsoever growing upon land within this Government, or shall convert or aid or assist in converting any such tree into Charcoal, shall, on conviction, be liable to a penalty of Five Pounds for every offence, to be recovered as hereinafter provided for, one-half whereof shall be paid to the informer and the other half into the Treasury for the public uses of this Government, and in default of payment of such penalty, the offender shall be liable to be imprisoned in the Common Goal for any period not exceeding thirty days: *Provided always*, That nothing in this present Clause contained shall extend or be construed to extend to impose any penalty upon any person, who, not being himself qualified or authorized to cut down trees, or convert the same into Charcoal, shall, as the servant or agent duly authorized of a person qualified by Law, aid or assist such qualified person in cutting down or converting into Charcoal any trees which such person being so qualified shall have a legal right to cut down or convert into Charcoal.

That no person shall vend or sell Charcoal, or shall barter or exchange the same for any other goods within this Government, in any quantity whatsoever, without being duly licensed as hereinafter provided for; and any person who shall offer for sale, or shall vend or sell, barter or exchange, or otherwise dispose of for profit, within this Government, any Charcoal whatsoever in any quantity whatsoever, without being duly licensed; and every person who shall buy, purchase, or take in barter or exchange from any person not duly licensed to sell the same, any Charcoal in any quantity whatsoever shall, on conviction, be liable to a penalty of Forty Shillings, to be recovered as hereinafter provided for, one moiety whereof shall be paid to the informer and the other half into the Treasury of this Island for the public uses of this Government, and in default of payment the offender shall be imprisoned in the Common Gaol for any period not exceeding ten

days; and every person who shall vend or sell by wholesale any Charcoal, or shall barter or exchange the same for any other goods, within this Government, in any quantity amounting to or larger than Three Bushels (such three bushels to be delivered to one and the same person at one and the same time), shall take out a Licence for the Wholesale dealing in Charcoal, in manner hereinafter provided: and every person being licensed to sell Charcoal by wholesale who shall offer for sale, or shall vend or sell, barter or exchange, or otherwise dispose of for profit, within this Government, any Charcoal whatsoever in any quantity less than Three Bushels, such quantity of Three Bushels to be delivered as aforesaid; and every person who shall buy, purchase, or take in barter or exchange, from any person licensed to sell Charcoal by wholesale, but not licensed to retail the same, any Charcoal in any quantity less than Three Bushels, shall, on conviction, be liable to a penalty of Forty Shillings, to be recovered as hereinafter provided, and be applied as follows:—that is to say, one-half to be paid to the Informer, and the other half into the Treasury of this Island for the public uses of this Government, and in default of payment the offender shall be imprisoned in the Common Gaol of this Island for any period not exceeding fourteen days.

That every person who shall take out a Licence for the Wholesale dealing in Charcoal under the provisions of this Act shall keep a Book of Entry, in which shall be duly entered by him an account of all Charcoal by him sold or given in barter or exchange, and setting forth the date of every sale, barter, or exchange, the quantity, and the persons to whom the same shall have been sold, or with whom bartered or exchanged, and shall every half-year, and as and when the half-yearly payment for his Licence shall be and become payable at the Treasury as hereinafter provided, produce such Book of Entry, and deliver in to the Treasurer of the said Island or his Deputy a return in writing, signed by him, of the quantity of Charcoal by him sold or given in barter, or delivered in exchange within such half-year, specifying the days whereon the same was so sold or given in barter, or delivered in exchange, and the persons, by name, to whom the same was sold or given in barter, or delivered in exchange: and if any such licensed wholesale dealer in Charcoal shall neglect or refuse to keep such Book, or to produce the same at the times hereinbefore mentioned to the Treasurer or his Deputy, or to make and give in any such returns in writing in manner and at the respective times aforesaid, his Licence shall be forfeited, and shall thenceforth cease and be cancelled by the Treasurer or his Deputy, and notice thereof shall be given by the Treasurer or his Deputy in the Gazette of the said Island: and if any such licensed wholesale dealer shall make any false or untrue entry in such Book of Entry so to be kept as aforesaid, or shall make a false or untrue account or return, he shall, upon conviction thereof, be liable to a penalty of Five Pounds, and to forfeiture of his Licence, as in case of refusal or neglect to make a return, such penalty to be recovered and applied as hereinafter provided: and in default of payment of such penalty, the person so convicted shall be imprisoned in the Common Gaol for any period not exceeding thirty days.

That every person who shall vend or sell by retail any Charcoal, or shall barter or exchange the same in retail for any other goods within this Government, in any less quantity than Three Bushels, to be delivered to one and the same person at one and the same time, shall take out an Annual Licence for the sale of Charcoal by Retail, in manner hereinafter provided; and any person who shall offer for sale, or shall vend or sell, barter or exchange, or otherwise dispose of for profit, within this Government, any Charcoal whatsoever in any quantity whatsoever less than three bushels, to be delivered as aforesaid, without being duly licensed to retail the same; and every person who shall buy, purchase, or take in barter or exchange, from any person not duly licensed to sell the same by retail, any Charcoal in any quantity whatsoever less than three bushels, to be delivered as aforesaid, shall, on conviction, be liable to a penalty of Twenty Shillings, to be recovered as hereinafter provided for, and applied as follows, that is to say, one moiety thereof to be paid to the Informer, and the other moiety thereof

No. 60.
6th July, 1844.

Persons selling or bartering Charcoal in a quantity of Three Bushels or larger, to take out a Wholesale-dealer's Licence—the Three Bushels to be delivered to one and the same person and at one time: offenders to be punished by fine of 40s.

Application of fine.

In default of payment offender to be imprisoned not exceeding fourteen days.

CL. IV.
Persons selling by licence Charcoal, to keep book of entry of all Charcoal sold, and produce the same to Treasurer half-yearly, &c. &c.

On neglect to keep such Book, Licence to be forfeited.

If false entry be made, liable to a penalty of 5*l*.; and in default of payment to be imprisoned not exceeding thirty days.

CL. V.
Persons selling Charcoal in less quantity than Three Bushels to take out an Annual Licence to sell by Retail: or be liable to a penalty of 20*s*.

Persons buying the same equally liable, and in default of payment offenders to be committed to Gaol for a period not exceeding ten days.

Appropriation of fine.

No. 60.
6th July, 1844.

If Charcoal be sold, bartered, or exchanged in less quantity than Three Bushels, occupiers of house or premises liable to penalty as if selling without licence.

CL. VI.
Retail dealer selling by Wholesale without Licence liable to a penalty of 20s., and in default of payment imprisonment not exceeding ten days.

Lawful for same person to take out Licence for retail and wholesale selling.

CL. VII.
Retail dealers in Charcoal to keep Book of Entry of Charcoal bought, &c. &c., and names of persons from whom bought, and deliver half-yearly the Book to Treasurer.

Neglecting or refusing to keep such Book to forfeit Licence.

If false entry be made, on conviction before Police Magistrate, liable to be fined 50s., and in default of payment to be imprisoned not exceeding thirty days.

CL. VIII.
Licensed Retailers not to sell in more than

to be paid into the Treasury for the public uses of this Government; and in default of payment, the offender shall be imprisoned in the Common Gaol for any period not exceeding ten days: and if any Charcoal in a less quantity than Three Bushels, to be delivered as aforesaid, shall be sold, bartered, or exchanged, in any house or premises by any person unknown, or who shall not be licensed to retail Charcoal according to this Act, the occupier or occupiers, if more than one, of such house or premises, being privy or consenting thereto, shall be deemed and taken to be the party selling, bartering, or exchanging such Charcoal, and shall be subject and liable to the penalty by this Act imposed upon persons selling, bartering, or exchanging Charcoal by retail without a licence.

That a Licence to retail Charcoal shall not authorize the selling the same by wholesale; and if any Retail Dealer shall, without having also a Licence authorizing him to sell by wholesale, or vend, sell, or give in barter or exchange any quantity of Charcoal exceeding Three Bushels at any one time, to one and the same person, he shall be liable to a penalty of Twenty Shillings for every offence, to be recovered as hereinafter provided for, and applied as follows:—one moiety to be paid to the Informer and the other moiety to the Treasurer, for the public uses of this Government, and in default of payment the offender shall be committed to the Common Gaol for any period not exceeding ten days: *Provided always*, That it shall and may be lawful for the same person to take out Licences to sell Charcoal by wholesale and retail.

That every person who shall take out a Licence for the sale of Charcoal by Retail under the provisions of this Act shall keep a Book of Entry, in which shall be duly entered by him an account of all Charcoal by him bought or taken in barter or exchange, and setting forth the date or respective dates of every purchase or taking in barter or exchange, the quantity so exchanged or taken, and the names of the person from whom the same was so purchased or taken in barter or exchange, and shall every six months, and as and when the time shall come for payment of the half-yearly sum payable in respect of such Licence at the Treasury as hereinafter provided, produce such Book of Entry, and deliver in to the Treasurer of the said Island or his lawful Deputy a return or account in writing, signed by him, of the quantity of Charcoal by him bought or taken in barter or exchange within such six months, specifying the day or respective days whereon the same was bought or taken in barter or exchange, and the persons by name from whom the same was bought or taken in barter or exchange, and also specifying the quantity of Charcoal so taken in barter or exchange during such six months, and the quantity remaining on hand, and shall also set forth therein the dates and particulars of the Permits received with such Charcoal from the persons from whom the same was bought, bartered, or exchanged, and shall, if thereunto required, produce to the Treasurer, or his lawful Deputy, the original Permits; and if any such licensed Retail Dealer in Charcoal shall neglect or refuse to keep such Book, or to produce the same at the time and respective times hereinbefore mentioned to the Treasurer or his Deputy, or shall neglect to make and give in any such returns or accounts in writing in manner and at the respective times aforesaid, or to produce such Permits, if thereunto required, his Licence shall be forfeited, and shall thenceforth cease and be cancelled by the Treasurer or his Deputy, and notice thereof shall be given by the Treasurer or his Deputy in the Gazette of the said Island: and if any such licensed retail dealer shall make a false or untrue entry in such Book of Entry so to be kept as aforesaid, or shall make a false or untrue account or return, he shall, upon conviction thereof before any Police Magistrate or any two Justices of the Peace, be liable to a penalty of Fifty Shillings, and to forfeiture of his Licence, as in case of refusal or neglect to make a return, such penalty to be levied by Warrant of the convicting Police Magistrate, or two Justices, to levy the same upon the goods and chattels of the party convicted, and for want of such goods and chattels the said defaulter to be committed to the Common Gaol for any period not exceeding twenty days.

That no one Retail Licence, to be granted as hereinafter provided for, shall authorize or empower the retail sale of Charcoal by the person so

licensed in more than one place, and that every licensed retail dealer in Charcoal shall, immediately on taking out his Licence, place, in a conspicuous part over the public entrance and in front of the premises occupied by him, and where Charcoal is sold by him, a board or sign, whereon shall be painted or printed in legible characters and letters of not less than one inch long his name, or where partners the name of the firm, and the words "Licensed Retail Dealer (or Dealers, as the case may be) in Charcoal;" and every retail licensed dealer in Charcoal who shall neglect to erect and put up such board or sign in manner aforesaid shall, on conviction before any Police Magistrate or any two Justices of the Peace, be liable to a penalty of Five Shillings for every day after Licence taken out by him that he shall neglect to erect or put up the same, to be recovered as hereinafter provided for and applied as follows, that is to say, one moiety thereof to be paid to the Informer, and the other moiety thereof to be paid into the Treasury for the public uses of this Government; and in default of payment such person shall be imprisoned in the Common Gaol for any period not exceeding fourteen days; and every person who shall not be licensed to sell by retail Charcoal who shall put up or have on his premises any such board, sign, or letters as aforesaid, or any other board, sign, or letters importing that he does exercise or carry on the trade or business of a retail licensed dealer in Charcoal, or is licensed so to do, [every such person] shall for every such offence forfeit the sum of Five Pounds, to be recovered and applied as hereinafter provided for, and in default of payment shall be imprisoned in the Common Gaol for any period not exceeding thirty days.

That it shall not be lawful for any person, whether a licensed dealer in Charcoal or otherwise, to send, transmit, ship, carry, or cause to be carried or transported or cause to be transported from any one place within this Government to any other place therein any Charcoal whatsoever, without such Permit from a Justice of the Peace as hereinafter provided for, and it shall and may be lawful for any Constable or Peace Officer, without any Warrant or other authority than this present Act, to stop and detain any person carrying or transporting within this Government any Charcoal, and to demand and see and take a copy of the Permit for the carrying or transporting the same; and if the person carrying or transporting the same shall, when so required, neglect or refuse to produce a Permit for the carriage or transport thereof, or if the Permit, when produced, shall not be such as is required by this Act, or if the party producing the Permit shall refuse to permit a copy to be taken of the same by the person requiring so to do, or if the time for which the Permit is granted shall have expired, it shall be lawful to and for the person stopping or detaining the party so carrying or transporting such Charcoal to seize the same Charcoal, and the same to carry or convey with all convenient speed before any Justice of the Peace, and the person so seizing shall at the time of seizure give notice to the parties from whom the Charcoal shall be seized or taken to appear before such Justice to answer touching the same; and the Justice before whom the said Charcoal shall be brought and complaint laid in respect thereof shall on proof by oath of the complainant (or otherwise, as to the said Justice shall seem fit), of such notice given as aforesaid, and failing such proof upon due proof of service of Summons to be issued by the said Justice proceed to hear and determine the same complaint; and if it shall appear to the satisfaction of the said Justice that the parties carrying or transporting the Charcoal, so seized, refused or neglected to produce and show a Permit for the same when called on so to do, or if the Permit produced be contrary to the provisions of this Act, or if the party producing the Permit refused to suffer and allow a copy thereof to be taken by the complainant, being thereunto required, or if the time for which the said Permit is granted shall have expired, the said Justice shall adjudge the Charcoal so seized to be forfeited and to be sold, and the same shall forthwith be sold by any Constable present to the highest bidder, and the proceeds applied and paid as follows, that is to say:—one half to the Informer or complainant and the other half to the Treasurer of the Island for the public uses of this Government; and if the person from whom the Charcoal shall be so seized shall attend before

No. 60.
6th July, 1844.

one place, and to erect a board or sign with name or names thereon in legible characters in front of premises; or liable to a penalty of 5s. for every day he or they neglect to do so after Licence taken out.

Application of fine.

Any person not licensed having board or sign on his or their premises, or any other board importing the business of a retail dealer in Charcoal is carried on, to forfeit 5l., and in default of payment, imprisonment not exceeding thirty days.

CL. IX.

No person to transmit, ship, or transport Charcoal without Permit from a Justice of Peace.

Constable may seize without Warrant and detain any person carrying or transporting Charcoal within the Government, and demand and take copy of Permit.

Charcoal to be seized if Permit be not produced or copy of same refused.

Charcoal in such case may be sold by any Constable to the highest bidder, and half of proceeds given to Informer, and the other half to Treasury.

Persons offending against this Act, in addition to forfeiture of Charcoal, liable to a penalty of 20s., to be levied on goods and chattels, and in default

No. 60.
6th July, 1844.

of goods and chattels, may be confined in gaol for not more than ten days; half of penalty to Informer, and half to Treasury.

Justice to issue summons if parties do not attend notice given, and if party summoned does not attend, Justice may proceed to hear and determine the case, and impose the penalty if the party be convicted.

Licensed Retail Dealer may give Certificate (if any quantity less than one bushel be sold) with the Charcoal, in writing, signed by such dealer; Certificate to bear date, and be in force 24 hours, and while in force equivalent to a Permit as to any quantity less than one bushel.

CL. X.
Magistrate to give Permit to transport any seized Charcoal that may have been sold: Permit to be in force as long as all other Permits.

CL. XI.
Treasurer to grant Annual Licence, viz., for Wholesale Dealers, 5*l.*; Retail Dealers, 5*s.*

Fee of 2*s.* to be paid to Treasurer.

List of persons and names to be gazetted half-yearly by Treasurer.

CL. XII.
Persons transporting Charcoal to apply to Justice for Permit so to do, and shall take oath how the same came into their possession, &c. &c.

the said Justice, either upon the notice aforesaid or under and in obedience to any Summons to be issued by the said Justice, and shall claim the Charcoal so seized, and shall be convicted by the said Justice of any offence against this Act, he or she shall, in addition to the forfeiture of the Charcoal, be liable to a penalty of Twenty Shillings, to be recovered by Warrant under the hand and seal of the said Justice, to be levied upon the goods and chattels of the party so convicted; and for want of goods and chattels, the party so convicted to be committed to the Common Gaol for any period not exceeding ten days, such penalty to be applied as follows, that is to say:—one moiety thereof to be paid to the Informer and the other moiety thereof to be paid into the Treasury for the public uses of this Government: but if the person from whom the Charcoal shall have been so seized and taken shall not attend upon such notice, the said Justice shall not proceed to enforce the said penalty of Twenty Shillings without Summons first issued, and if the Informer or complainant shall be desirous to enforce the said penalty it shall be lawful for the Informer or complainant, if he or she shall think fit, to sue out and for the Justice, upon application to him for that purpose made, to issue a Summons to require the appearance of the parties from whom the said Charcoal was so seized and taken to answer the said complaint, and upon due proof of the service of such Summons, the said Justice shall, whether the party summoned shall attend or not, proceed to hear and determine the complaint, and to impose the said penalty if the party complained against shall be convicted: *Provided always*, That it shall and may be lawful for every licensed Retail Dealer in Charcoal, when he shall make sale of, or give in barter or exchange, any smaller quantity of Charcoal than one bushel, to give with the Charcoal so sold or given in barter or exchange, and to the person receiving the same Charcoal, a Certificate in writing, signed by such licensed retail dealer, which Certificate shall bear date the day whereon it is given, and shall set forth the quantity of Charcoal sold or delivered and the person to whom sold or delivered, and shall be in force for twenty-four hours and no longer; and such Certificate so given shall be deemed and taken as equivalent, during the time it is in force, to a Permit as to any quantity of Charcoal less than a bushel.

That upon every sale of seized and condemned Charcoal the Justice or Magistrate, by and before whom the same shall have been adjudged forfeited, shall immediately upon sale thereof give and grant unto the purchaser thereof a Permit to transport and carry the same to any place to be named by such purchaser and to be set forth in the Permit, such Permit to set forth that the Charcoal therein mentioned has been purchased by such purchaser at public sale, and such Permit shall be in force for the same period as all other Permits.

That the Treasurer of the said Island or his lawful Deputy shall, upon application to him for that purpose had and made, grant Annual Licences for the wholesale and retail sale of Charcoal respectively to as many persons as shall apply for the same, and which shall be in the respective forms set forth in the Schedule hereto annexed, marked A, and which shall be signed by him; and for every such Wholesale Licence the sum of Five Pounds shall be paid, by two half-yearly payments in advance; and for every such Retail Licence the sum of Fifty Shillings shall be paid, by two equal half-yearly payments in advance, into the Public Treasury for the public uses of this Government; and a fee of Two Shillings to the Treasurer shall be paid upon every Licence granted, and for comparing the returns and books produced; and the Treasurer or his Deputy shall once each half-year cause to be inserted in the Gazette of the said Island a list of all such Licences by him granted within such half-year.

That it shall be lawful for any person, lawfully possessed of and intending to transport from one part of this Island or Government to another any quantity of Charcoal, to apply to a Justice of the Peace for a Permit for such transport, and the party applying for such Permit shall state on oath before such Justice whether he is a Licensed Dealer in Charcoal, and also how and in what manner he became possessed of the same Charcoal, and if the same was manufactured by such person; he shall also state when and where the

same was manufactured, and if the same was purchased or taken in barter or exchange, shall also state when and from whom the same was so purchased or taken in barter or exchange; and if such person is a licensed dealer he shall produce his Licence (and for administering such oath, and granting such Permit, the said Justice shall be entitled to receive a fee of One Shilling), and upon such statement on oath being made and Licence produced, if the party be a Licensed Dealer, the Justice shall issue a Permit, in the form set forth in Schedule B, for the transport of such Charcoal from the place named in such Permit to such other place as shall be named therein; and such Permit shall be and remain in force such space of time as the said Magistrate shall deem fit and necessary, not exceeding the space of three days from the date thereof when the transport shall be from any place within this Island to any other place therein, and five days from the date thereof, and no longer, when the transport shall be to or from any of the Grenadines, and the name of the person transporting the same, and the place from whence the same is taken, the quantity transported, the name of the person to whom the same is to be delivered and his residence, and the period or number of days during which it is to be and remain in force shall be set forth and specified in every Permit to be granted as aforesaid, and after the expiration of the time therein limited for its duration, such Permit shall be of no force, virtue, or effect; and the Permit so granted shall be delivered with the Charcoal mentioned therein to the person in the same Permit named to whom the said Charcoal shall be delivered, and every person receiving into his possession any quantity of Charcoal without such Permit shall be liable to a penalty of Twenty Shillings, to be recovered as hereinafter provided for, and in default of payment such person shall be imprisoned in the Common Gaol for any period not exceeding ten days.

That if any person shall feel aggrieved by the determination of any Police Magistrate or Justice or Justices of the Peace of or upon any complaint or information laid before him or them under this Act, it shall be lawful for such person, upon giving such notice as hereinafter mentioned, to appeal therefrom to the next Court of Grand Sessions of the Peace, which Court and the Justices thereof is and are hereby authorized and required to hear, adjudge, and finally determine such Appeal, and if the judgment of the said Police Magistrate or Justice or Justices of the Peace shall be affirmed in part or in whole, such judgment so affirmed shall be enforced and executed, in part or in whole, by such Police Magistrate or Justice or Justices of the Peace, when affirmed as to the whole, in like manner as if there had been no Appeal, and, where affirmed in part, as if judgment had been originally given for such part so affirmed; and when the judgment shall be reversed an entry of such reversal shall be made in the minutes of the Court which shall be a *supersedeas* to all further proceedings; and if, in case of reversal, any Charcoal shall have been seized, a warrant shall if the Court so order be granted under the hand and seal of the President of the said Court, directed to the person in whose custody the said Charcoal shall be for the restoration thereof; and if any penalty shall have been lodged, on such Appeal a warrant shall also issue for the return thereof if the Court shall so order; and if any new judgment shall be given by the said Court of Grand Sessions of the Peace, the same judgment of the said Court of Grand Sessions of the Peace shall be enforced in like and the same manner as all other judgments of the said Court: *Provided always*, That no information, conviction, warrant, or other proceeding shall be quashed, set aside, or adjudged void, for want of form, nor shall the same be liable to be removed by *certiorari* into the Supreme Court of Judicature of the said Island: and a conviction, in the form or to the effect set forth in the Schedule to this Act annexed, marked C, and a warrant for levy and commitment, or either of them, in the form or to the effect set forth in the Schedule marked D, *mutatis mutandis* as the case may be, shall be good and effectual to all intents and purposes without stating the case or the facts or evidence in any more particular manner.

That it shall be lawful for the Court of Sessions, on any Appeal as hereinbefore provided, to award costs to either party as to such Court shall

No. 60.
6th July, 1844.

Fee on granting Permit and administering oath, 1s.

Duration to Permit in the Island or from Grenadines.

Permit to be given with Charcoal, and persons receiving the same without Permit liable to a penalty of 20s., and in default of payment imprisonment in gaol not exceeding ten days.

CL. XIII.
Persons aggrieved by determination of Police Magistrate or Justice of Peace, may appeal therefrom to the next Court of Grand Sessions of the Peace.

CL. XIV.
Court of Grand Ses-

No. 60.
6th July, 1844.

sions shall govern amount of costs, and frame such Writs as shall be necessary to enforce judgment of said Court.

CL. XV.

If Appeal be made to Grand Sessions of the Peace, Appellant to give notice of same in writing immediately.

And to pay within two days into hands of Clerk of Crown amount of any Penalty such party might have been convicted in: or a Certificate from Justice convicting, in case of Charcoal having been seized, that such Charcoal remains in his hands.

If no Penalty has been imposed, and no Charcoal seized, Appellant to lodge in hands of Clerk of Crown 5*l.* sterling, to meet costs of adverse party.

If case be dismissed or discontinued, Court may decide on appropriation of 5*l.*

CL. XVI.

Same witnesses to be examined before the Court as before Magistrate, and no others.

CL. XVII.

Magistrate not to issue Warrant until after expiration of two days if notice of Appeal be given in writing; and if on third day Clerk of Crown certifies that the provisions of 13th Clause have been complied with, Magistrate shall return into the Office of Clerk of Crown original information, depositions, and convictions: if no notice has been given, and no Certificate lodged as aforesaid, Magistrate to issue his warrant to enforce penalty, &c. &c.

seem meet; and in giving such costs the Docket established in the said Court of Sessions shall govern the amount; and the said Court of Sessions, or a majority of the Justices thereof, shall and they are hereby authorized to make Rules for the Government and regulation of the practice on all Appeals to the said Court under this present Act, and to frame such Writs as and shall be necessary for carrying out and enforcing all or any judgment to be given by such Court, and to determine the amount of and assign such fees as are not already provided for by the said Docket.

That no Appeal shall take place or be heard at the Court of Grand Sessions of the Peace unless the Appellant shall, at and immediately upon the finding of the judgment or conviction by the Police Magistrate, Justice or Justices of the Peace, give notice in writing of such Appeal to such Police Magistrate or Justice, and to the Complainant or adverse party, and shall also within two days thereafter give a like notice to the Clerk of the Crown and shall at the time of giving such notice to the Clerk of the Crown, lodge with and pay into the hands of the said Clerk of the Crown the amount of the penalties, if any, in which such party has been convicted, and when any Charcoal has been seized or forfeited shall produce a Certificate from the convicting Justice that such Charcoal remains in the hands and custody of a Police Officer or of the party seizing the same, to hide the event of such Appeal; and such penalty so lodged and such Charcoal so remaining under seizure shall abide such Appeal, and be dealt with as the Court of Appeal shall order and direct, and be paid over and dealt with accordingly; and if no penalty has been imposed on the Appellant, and no Charcoal seized or detained from him or her, then such Appellant shall lodge with the Clerk of the Crown at the time of giving such notice of Appeal, the sum of Five Pounds sterling, as a deposit to meet the costs of the adverse party in the event of such Appeal being discontinued or dismissed, and such Five Pounds shall, if such Appeal after such notice given, be discontinued or not prosecuted at the then next Court of Grand Sessions of the Peace, or if the same shall be dismissed, be paid over either in part or in whole, as to the Court shall seem fit, either to the party appealed against, if he hath incurred any costs in respect of such Appeal, or shall be returned to the Appellant, as the Court shall see fit to order.

That on such Appeal the said Court of Grand Sessions of the Peace shall not examine any evidence or any witness other than or different from the evidence and witnesses which shall have been taken and examined before the convicting Magistrate or Magistrates at the hearing of the original information or complaint; and where required a Writ of subpoena shall and may issue out of the said Court to compel the appearance of any witness required to be examined on the application and at the cost of the party requiring the same, in like manner and under the same regulations and penalties as Writs of subpoena are issued from and out of the said Court in any other criminal proceeding therein, and subject to such Rules as shall be framed and made by the said Court of Session, under the authority of this present Act; and the same fees shall be payable to the respective Officers of or in the said Court of Grand Sessions of the Peace in respect of the proceedings upon any such Appeals, or relating thereto or consequent thereupon, as for the like business or proceedings are payable in respect of any other criminal proceedings, and subject to such Rules as aforesaid.

That upon notice of Appeal in writing given to any Police Magistrate or Justice or Justices of the Peace, against any conviction by him or them, such Justice shall not issue his Warrant, or otherwise enforce any penalty against the party giving such notice, till after the expiration of two clear days from the day of conviction, and if upon the third day after such conviction such person shall lodge with him or them a Certificate from the Clerk of the Crown of the provisions of the thirteenth clause of this Act being complied with, he or they shall not issue any warrant thereon pending the Appeal from such conviction, but shall return into the Office of the Clerk of the Crown the original information, depositions, and convictions, laid, had, taken, and made before and by him or them, but if such notice as aforesaid shall not be duly given as aforesaid, and such Certificate

lodged as aforesaid, and within such time as aforesaid, then the said Police Magistrate, Justice or Justices, shall and may issue his and their Warrant for enforcing the payment of the penalty by him or them adjudged to be paid by the person complained against and convicted.

That it shall be lawful for any person to whom notice of action shall be given for anything done by him under this Act to tender amends to the person giving such notice, or to his attorney, and if such amends shall not be accepted such person so tendering amends may plead such Tender in bar, with a plea of Not Guilty and any other plea or pleas, with leave of the Court, and if the Jury shall find the amends so tendered sufficient, they shall give a verdict for the defendant; and if any person so sued shall have neglected to tender amends or shall have tendered insufficient amends, it shall be lawful for the defendant, by leave of the Court, at any time before issue joined, to pay into Court such sum of money as such defendant shall think fit, whereupon such proceedings, order and judgment shall be had, made, and given by the Court as in other actions where the defendant is allowed to pay money into Court.

That all actions and suits to be brought, raised, or commenced against any Justice of the Peace, Constable, Police Officer or other person, for any thing done in pursuance of this Act, shall be commenced within the space of three months next after the cause of action shall have arisen; and one month's notice before the commencement thereof shall be given by the party about to commence the same, or his Attorney, and in such notice shall be contained and set forth the particular cause of action, and upon the trial of any such action or suit the plaintiff shall not be permitted to produce or give any evidence of any cause of action except such as shall be contained and set forth in such notice, nor shall recover any verdict unless it be proved that such notice was given, and in default of such proof the defendant shall be entitled to a verdict; and the defendant may give this Act and the special matter in evidence at any trial to be had thereupon; and if a verdict shall pass for the defendant, or the plaintiff shall be nonsuit or discontinue his action, or judgment [be] given against such plaintiff on demurrer or otherwise, in every such case the defendant shall have treble costs against such plaintiff.

That upon the trial or hearing of any complaint or information or other legal proceeding for the condemnation or forfeiture of any Charcoal, or the recovery of any penalty under this Act, any and every Constable, Peace Officer, or other person whatever entitled, upon conviction of the party complained or proceeded against, to the whole or any share of the penalty or seizure or not, shall be a competent witness, and shall be admitted by the Court in which, or the Justice or Justices before whom such complaint, information, or other legal proceeding shall be tried or heard, to give evidence, and shall be deemed and taken to be a competent witness, upon such trial or hearing notwithstanding any such interest as aforesaid.

That such and the like fees as by Law now at the time of the passing of this Act are taken and received by the Police Magistrate for the town of Kingstown, and the Constables for the several parishes in this Island, shall and may be had, taken, and received by any Magistrate or Justice of the Peace, and Constables respectively for the like proceedings under this Act, except where otherwise provided for herein.

That it shall and may be lawful to and for the Governor for the time being, to grant permission, under his hand and seal at arms, to any person, to cut down and convert into Charcoal any trees upon any of the Crown Lands in this Government: *Provided always*, That nothing in this present Act contained shall extend or be construed to extend, to abridge, defeat, alter, or affect the rights of Her Majesty, Her heirs or successors, which rights are hereby saved and reserved in all respects as if this Act had not been passed; *And provided also*, That nothing herein contained shall extend or be construed to extend to abridge, defeat, alter, or affect the right of cutting down trees and converting the same into Charcoal and of selling the same, of any person who before the passing of this Act was by Law authorized, entitled, or empowered so to do.

No. 60.
6th July, 1844.

CL. XVIII.

Amends may be tendered to persons giving notice of action under this Act, and if refused, such Tender may be pleaded in bar, with plea of Not Guilty; if Jury find amends sufficient, a verdict to be found for Defendant.

If neglect to offer amends, or insufficient amends be offered, Defendant may pay into Court such sum of money as he may think fit; Court to act as in actions where Defendant is allowed to pay money into Court.

CL. XIX.

All actions for any thing done in pursuance of this Act to be commenced within three months after cause of action; and one month's notice before commencement of action to be given to defendant.

Plaintiff upon trial not to produce any evidence of cause of action, except such as shall be contained in his notice.

If verdict pass for defendant, or plaintiff be nonsuited or discontinue, defendant to have treble costs.

CL. XX.

Constable, Peace Officer, or other person, although entitled to the whole or any part of penalty or seizure, may give evidence to the Court or Justices, and be deemed competent witnesses.

CL. XXI.

Fees to be recovered under this Act to be the same as received by Magistrates and Constables under any other Act.

CL. XXII.

Governor, Lieutenant-Governor, or Officer administering the Government, may grant permission to cut down and convert into Charcoal trees on Crown Land, &c. &c.

No. 60.
6th July, 1844.

CL. XXIII.
Mode of recovery of all
Fines and Forfeitures
not specially provided
for.

Penalties not directed
how to be appropriated
or applied, to be paid
into the Treasury for
the public uses of this
Government.

That all Penalties and Forfeitures imposed by this Act (save and except in such cases where any special provision is herein made) shall be recovered in a summary way before any Police Magistrate or any two Justices of the Peace, on complaint to him or them for that purpose made, and to be levied, together with the costs (if any) of such proceedings, on the goods and chattels of the offender or offenders by warrant under the hand and seal of such Police Magistrate or hands and seals of the Justices, and such warrant shall direct that in default of goods and chattels the offender or offenders shall be committed to the Common Gaol, there to remain for such time as the offence of which he shall have been convicted shall render him liable to and as the provisions of this Act direct: and all penalties not hereinbefore directed how to be paid, applied, or appropriated shall be paid through the Treasurer or his lawful Deputy into the Public Treasury of the Island for the public uses thereof.

SCHEDULE A.

ST. VINCENT.

A. B. [specifying the name of the party licensed] is licensed to vend Charcoal by retail within this Government, from the day of , 18 , to the day of 18 .

ST. VINCENT.

A. B. [specifying the name of the party] is licensed to vend Charcoal by wholesale within this Government, from the day of , 18 , to the day of , 18 .

SCHEDULE B.

ST. VINCENT.

These are to certify that *A. B.* [naming the person applying for the Permit] having this day duly made oath before me, as required by an Act of this Island, intituled "An Act to restrain the Cutting down trees, and the burning and "unlicensed dealing in Charcoal within this Government," hath authority to convey and transport bushels of Charcoal from [specifying the place whence the same is to be taken] to [specifying the place to which the same is to be transported] and there to deliver the same to [specifying the person to whom the same is to be delivered]; and this Permit is to remain in force for and during [three or five, as the case may be] days from the day of the date hereof.
Given under my hand, this day of .

SCHEDULE C.

ST. VINCENT.

BE IT REMEMBERED, That on the day of , in the year of our Lord one thousand eight hundred and , at St. Vincent aforesaid, *A. B.* is convicted before me [, Police Magistrate for], [or us, two of Her Majesty's Justices of the Peace for the said Island of St. Vincent]; for that the said *A. B.* [here specify the offence, and the time and place when and where committed], contrary to an Act of the said Island, made and passed in the year of the reign of Queen Victoria, intituled "An Act to restrain the "Cutting down trees, and the burning and unlicensed dealing in Charcoal within "this Government;" and we [or I] do adjudge that the said *A. B.* hath forfeited and shall pay for his [or her] said offence, the sum of [here insert the penalty], and in default of payment of the said penalty or sum of and for costs, the said is adjudged by [me or us, as the case may be] to be imprisoned in the Common Gaol for the space of days, unless in the meantime the said sum of and costs aforesaid are paid.

SCHEDULE D.

FORM OF WARRANT.

ST. VINCENT.

By [stating the Magistrate's or Justice's names] Police Magistrate for , [or two of Her Majesty's Justices of the Peace for the said Island, as the case may be] to Constable for the Parish of , and to the Keeper of the Common Gaol for the said Island.

WHEREAS *A. B.* was convicted before [us or me, as the case may be] on the day of , 18 , for that [he or she, as the case may be] did [here set

forth the offence as stated in the conviction], and the said *A. B.* was by [me or us, as the case may be] for such offence thereupon adjudged to forfeit and pay the sum of and for Costs, and in default of payment thereof to be imprisoned in the Common Gaol for the space of days. These are therefore to require you the said Constable to demand of the said *A. B.* the said sums of and , together with such costs as are by law demandable and payable to you the said Constable for executing this present Warrant, and in default of payment of the said sums of and , and such other costs as aforesaid, you the said Constable are to levy the same upon the goods and chattels of the said *A. B.*; and if the said *A. B.* hath not goods and chattels to satisfy the same, or shall refuse to point out sufficient goods and chattels to satisfy the same, then you the said Constable are to attach the body of the said *A. B.*, and him to carry and safely to deliver to the Keeper of the Common Gaol in Kingstown, and you the said Keeper of the Common Gaol are hereby required to detain and keep the said *A. B.* in your custody in the Common Gaol for the space of days from the date of his or her commitment, unless in the meantime the said sums of and , together with all subsequent costs, legally demandable, are fully paid and satisfied.

Given under my or our hand and seal, or hands and seals, this day of , 18 .

No. 60.
6th July, 1844.

No. 61.

An Act for preventing Tumults and Riotous Assemblies, and for the more speedy and effectual punishing the Rioters, and to repeal an Act heretofore passed for the like purpose. [2nd October, 1844.]

WHEREAS an Act, entitled "An Act for preventing Tumults and Riotous Assemblies, and for the more speedy and effectual punishing the Rioters," passed the Legislature of St. Vincent and its Dependencies, and was published the twenty-ninth day of November, one thousand eight hundred and forty-three, which it is expedient to repeal; *Be it enacted* by the Officer administering the Government of the Island of St. Vincent and its Dependencies, the Council, and Assembly of the same, that the Act published the twenty-ninth day of November, one thousand eight hundred and forty-three, shall be and the same is repealed; *And whereas* it is expedient that an enactment should be made for preventing and suppressing unlawful riots and tumults, and for more speedy and effectually punishing the offenders; *Be it enacted*, That from and after the publication of this Act if any persons, to the number of Twelve or more, being unlawfully, riotously, and tumultuously assembled together to the disturbance of the public peace, and being required or commanded by any one or more Justice or Justices of the Peace, or by the Provost Marshal or his Deputy, in this Island or the Dependencies thereof where such assembly shall be, by Proclamation to be made in the Queen's name, in the form hereinafter directed, to disperse themselves and peaceably to depart to their habitations, or to their lawful business, shall to the number of Twelve or more, notwithstanding such Proclamation made, unlawfully, riotously, and tumultuously remain or continue together for the space of one hour after such command or request made by Proclamation, that then such continuing together to the number of Twelve or more, after such command or request made by Proclamation, shall subject the person convicted thereof, at the discretion of the Court, to be imprisoned for any term not exceeding three years in the Common Gaol or in any House of Correction in this Island.

That the order and form of the Proclamation that shall be made by the authority of this Act, shall be as hereafter followeth (that is to say):—the Justice of the Peace, or other person authorized by this Act to make the said Proclamation, shall come among the said rioters, or shall approach as near to them as he can safely come, [and] with a loud voice command or cause to be commanded silence to be kept while Proclamation is making, and after that shall openly and with a loud voice make or cause to be made Proclamation in these words, or like in effect: "Our Sovereign Lady the Queen chargeth and commandeth all persons being here assembled,

CL. I.
Repeals Act of 29th
November, 1843.

Twelve persons or more unlawfully assembled, and not dispersing after commanded by one Justice, &c., by Proclamation, subject to imprisonment not exceeding three years.

CL. II.
Form of Proclamation.

No. 61.
2nd October, 1844.

Justices, &c., to resort
to the place.

"immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, upon the pains contained in the Act of this Island made and passed for preventing Tumults and Riotous Assemblies. God save the Queen!" And every such Justice or Justices of the Peace, Provost Marshal or Deputy Provost Marshal aforesaid, are hereby respectively authorized, empowered, and required, on notice or knowledge of any such unlawful, riotous, and tumultuous assembly, to resort to the place where such unlawful, riotous, and tumultuous assembly shall be, of persons to the number of Twelve or more, and there to make or cause to be made Proclamation in manner aforesaid.

CL. III.
Persons so assembled,
and not dispersing
within an hour, to be
apprehended.

That if such persons so unlawfully, riotously, and tumultuously assembled, or Twelve or more of them, after Proclamation made in the manner aforesaid, shall continue together, and not disperse themselves within One Hour, then it shall and may be lawful to and for each and every Justice or Justices of the Peace, Provost Marshal or Deputy Provost Marshal, where such assembly shall be, and also to and for every Police Officer, Constable, or other Peace Officer, and to and for all such other person or persons as shall be commanded to be assisting unto any such Justice or Justices of the Peace, Provost Marshal, or Deputy Provost Marshal, who are hereby authorized and empowered to command all Her Majesty's subjects of age and ability to be assisting to them therein, to seize and apprehend such persons so unlawfully, riotously, and tumultuously continuing together after Proclamation made as aforesaid, and forthwith to carry the persons so apprehended before one or more of Her Majesty's Justices of the Peace of this Island in order to their being proceeded against for such offence according to Law; and that if the persons so unlawfully, riotously, and tumultuously assembled, or any of them, shall happen to be killed, maimed, or hurt, in the dispersing, seizing, or apprehending or endeavouring to disperse, seize, or apprehend them, by reason of their resisting the persons so dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them, that then every such Justice or Justices of Peace, Provost Marshal, or Deputy Provost Marshal, Police Officer, Constable, or other Peace Officer, and all and singular persons being aiding and assisting to them, or any of them, shall be freed, discharged, and indemnified, as well against the Queen's Majesty, her heirs and successors, as against all and every other person and persons, of, for, or concerning the killing, maiming, or hurting of any such person or persons so unlawfully, riotously, and tumultuously assembled that shall happen to be so killed, maimed, or hurt as aforesaid.

And if they make re-
sistance, the persons
killing them to be in-
demnified.

CL. IV.
Opposing, &c., the
making such Proclama-
tion—imprisonment
for three years.

That if any person do or shall with force and arms wilfully and knowingly oppose, obstruct, or in any manner wilfully and knowingly let, hinder, or hurt any person that shall begin to proclaim, or go to proclaim according to the Proclamation hereby directed to be made, whereby such Proclamation shall not be made, that then every such [person] opposing, obstructing, letting, hindering, or hurting such person [*? Public Officer*] so beginning or going to make such Proclamation as aforesaid, shall be liable at the discretion of the Court to be imprisoned for any term not exceeding three years in the Common Gaol or in any House of Correction in this Island; and that also every such person or persons so being unlawfully, riotously, and tumultuously assembled, to the number of Twelve as aforesaid or more, to whom Proclamation should or ought to have been made, if the same had not been hindered as aforesaid, shall likewise, in case they or any of them, to the number of Twelve or more, shall continue together, and not disperse themselves within One Hour after such let or hindrance so made, having knowledge of such let or hindrance so made, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding three years in the Common Gaol or in any House of Correction in this Island.

Any person so assem-
bled, if the Proclama-
tion be hindered, shall
suffer imprisonment
for three years.

CL. V.
Hard labour and soli-
tary confinement may
be added to imprison-
ment.

That, in awarding imprisonment for any of the offences punishable under this Act, it shall be lawful for the Court to direct such imprisonment to be with or without hard labour in the Common Gaol or House of Correction, and also to direct that the offender shall be kept in solitary confinement for

any portions or portion of such imprisonment, or of such imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year, as to the Court in its discretion shall seem meet.

That this Act shall be openly read at every Court of Grand Sessions of the Peace.

That no person shall be prosecuted by virtue of this Act for any offence or offences committed contrary to the same unless such prosecution be commenced within six months after the offence committed.

No. 61.
2nd October, 1844.

CL. VI.
Act to be read at Court of Sessions.

CL. VII.
Prosecution within six months.

No. 62.

An Act for enlarging the Market-House and improving the Market-Place in the Town of Kingstown. [2nd October, 1844.]

WHEREAS it is expedient that the Market-House and Market-Place in the Town of Kingstown should be improved, to effect which it is necessary a sum of money should be granted by way of loan; *Be it enacted* by the Officer administering the Government of the Island of St. Vincent and its Dependencies, the Council, and Assembly of the same, That it shall be lawful for the Treasurer or his Deputy to pay to the six Wardens of Kingstown, or a majority of them, the sum of Four Hundred Pounds.

CL. I.
Treasurer to pay Townwardens of Kingstown 400l.

* * * * *

That the said sum of Four Hundred Pounds, so to be advanced and paid by the Treasurer as aforesaid, shall be repaid by the Townwardens for the time being into the Treasury by annual payments of One Hundred Pounds each, that is to say, the first payment of One Hundred Pounds, or the one-fourth thereof, on or before the first day of January, which will be in the year of our Lord one thousand eight hundred and forty-six, and the remaining Three Hundred Pounds, or three-fourth parts thereof successively, on or before the first day of January in each succeeding year, until full payment of the same shall have been made: *Provided always*, That the said sum of Four Hundred Pounds, until fully repaid and discharged, shall be and remain a subsisting lien and charge upon all funds, assessments, and moneys whatsoever which shall be at any time paid or payable to or in the hands of the Townwardens for the said Town of Kingstown for the time being, and shall be first payable thereout, any Law or Statute to the contrary thereof in anywise notwithstanding.

CLAUSES II., III., & IV.
[Had effect.]

CL. V.
Time and mode of repayment.

No. 63.

An Act for regulating the Proceedings at Elections of Members to serve in the General Assembly of the Island and Government of St. Vincent and its Dependencies; for determining the Qualifications of Members and Electors; and for repealing the Act of the said Island therein mentioned. [Assented to by Her Majesty in Council, 13th December, 1844. Came into force, 31st January, 1845.]

WHEREAS it is thought expedient to repeal an Act of this Island, made and passed in the twenty-sixth year of the reign of His late Majesty King George the Third, intituled "An Act for regulating the proceedings at Elections, "describing who shall be deemed Freeholders capable of electing and being "elected Representatives, and for erecting into a parish the lands between "the rivers Iambou and Byera, and to enable the inhabitants thereof, and "of the Islands of Bequia and such other of the Grenadines as lie to the "northward of Carriacou, in America, to elect Representatives to serve in "the General Assembly of this Government;" to make other provisions in lieu thereof, and to extend the elective franchise to many of Her Majesty's subjects within this Island and Government who have not hitherto enjoyed the same; We, therefore, Your Majesty's most dutiful and loyal subjects, the Lieutenant-Governor, Council, and Assembly of this Your Majesty's Island

Preamble.

No. 63.
31st January, 1845.

CL. I.
Repeals Act passed
26th Geo. III., for
regulating proceed-
ings at Elections.

CL. II.
[Repealed by Act of
12th March, 1850.]

CL. III.
Boundaries of parishes
and town of Kings-
town.

of St. Vincent and its Dependencies, humbly pray Your Most Excellent Majesty that it may be enacted, *And be it and it is hereby enacted*, That from and after the time when this Act shall come into force the said herein-before recited Act and all the clauses and provisions therein, shall be, and the same is and are hereby repealed, save and except such part as relates to the erecting of parishes.

* * * * *

That for the purpose of preventing difficulties or disputes as to Boundaries or limits of the said several hereinbefore-mentioned parishes, Grenadines, and town of Kingstown respectively, the following shall, for the purposes of this Act, be construed, considered, and taken as the Boundaries and limits of the same parishes, Grenadines, and town respectively ; that is :—the lands extending from the northern boundary of the Fancy Estate to the river Iambou, and running along the bed of the said river (until they reach the high ridge of mountains which runs through the centre of the Island), shall form one parish, and be called Charlotte Parish ; and the parish of St. George shall extend from the last-mentioned river Iambou to Kingstown North-River, where it empties itself into the sea, and up the bed of the said river until it divides, and from thence continuing the course of the northern branch of the said river to the great ridge of mountains running through the centre of the Island ; and the parish of St. Andrew shall extend from the Northern branch and river before mentioned to the high ridge to the northward of Queen's Valley, and which divides the said valley from Rutland Valley, and to run along the said ridge until it meets the great ridge of mountains which runs through the centre of the Island ; and the parish of St. Patrick shall extend from the last-mentioned ridge to the high ridge to the northward of Cumberland Valley commonly called Byam's Hill, to run along the said ridge until it meets the great ridge of mountains which runs through the centre of the Island ; and the parish of St. David shall extend from the said last-mentioned northern boundary of St. Patrick commonly called Byam's Hill, unto the furthest boundary of the land granted to Colonel George Etherington, and to include the same ; and all the lots and parcels of land lying within certain Boundary Pillars already erected, and, in addition thereto, all the lots of land whereon houses are built at the former South-eastern boundary of the town ; all the lots adjoining Grenville Street, formerly part of Kingston-Park Estate, and now called St. James's Place and St. George's Place ; all the lots at the North-western boundary of the town, now known as Rose Place, and those formerly part of the Burial-ground at the North-western end of Kingstown, and all roads, ways, and vacant spaces belonging to the same shall form, constitute, and be considered as the Town of Kingstown.

CL. IV.
Officer administering
the Government for
time being to issue
Writs for electing
Members to the Pro-
vost Marshal General.

Marshal to indorse
Writ ; Writs to be is-
sued ten days before
day of Election ; six
days' notice to be giv-
en to Electors of any
Election.

That all Writs for the Election of Representatives to serve in the General Assembly of this Government shall be issued by the Officer administering the Government for the time being, with the advice of the Privy Council of the said Island, in the forms set forth in the Schedules marked A. to this Act annexed, directed to the Provost Marshal General of this Island or his lawful Deputy (who is hereby declared to be the Returning Officer at all Elections of a Member or Members to serve in the General Assembly of this Government) ; and that the said Provost Marshal General or his lawful Deputy shall indorse on every such Writ the day whereon he received the same ; and that in all Writs of Election there shall be at least ten days between the teste and return thereof, and that all such Writs of Election shall be issued at least ten days before the day on which the Election to be holden under and by virtue of the same shall take place ; and that at least six days' notice of the time and place of holding every Election shall be given to the Electors in each respective parish and town, and Grenadines, by the said Provost Marshal General or his lawful Deputy, by advertisement in the Gazette of the said Island ; and that the said Provost Marshal General or his lawful Deputy, before he proceeds to the Election of any Member or Members to serve in the General Assembly of this Government, shall make Oath before the Governor, Lieu-

tenant-Governor, or Officer administering the Government for the time being (which Oath the said Governor, Lieutenant-Governor, or Officer administering the Government for the time being, is hereby authorized to administer), "that he will make a just and true return of the Representative or Representatives for the parish or parishes, town of Kingstown, or Grenadines, according to the Rules, Regulations, and provisions in this Act contained."

That within seven days of the receipt of every Writ for the Election of a Member or Members to serve in the General Assembly of this Government, the Provost Marshal General or his lawful Deputy shall issue his precept or precepts, directed to the constables of the parish, town, or Grenadines, wherein or for which such Election is directed by such Writ to be holden, to summon the Electors for such parish, town, or Grenadines to meet him at a place and hour to be named in the said precept or precepts, being the day and place mentioned in the public notice and advertisement in the Gazette hereinbefore mentioned, to make choice of a Representative or Representatives, as the case may be, to serve in the said Assembly; and the constable or constables to whom such precept or precepts is or are directed, shall forthwith proceed to summon the Electors in obedience to and in accordance with the tenour of the said precept or precepts, so and in such manner that every Elector shall have at least six clear days' notice before the day appointed for the Election; and the said Provost Marshal General or his lawful Deputy shall, on the day or respective days appointed for the holding such Election or Elections, proceed to hold the same at the place mentioned in the said precept and advertisement, and which shall be the most central and convenient place of Election within the respective parishes, town, and Grenadines within this Government: *Provided always*, That no two divisions or parishes shall choose or elect Representatives on the same day, except the parish of St. George and town of Kingstown; and that all Elections shall commence at ten of the clock in the forenoon and continue till three of the clock in the afternoon, when the poll shall be finally closed: and the said Provost Marshal General or his Deputy shall take the poll, by causing the Electors to subscribe their names respectively upon parchments or papers, to be for that purpose provided by the said Provost Marshal General or his Deputy, whereon shall be written, at the head thereof respectively, the names of the Candidates or persons proposed or standing to serve as Members for the said Assembly, such Electors subscribing their names respectively under the name of the Candidate or Candidates for whom they respectively poll; which parchment or paper, parchments or papers, shall be returned, together with the Writ or Writs, and the return thereon respectively of the Member or Members chosen, under the hand of the said Provost Marshal General or his lawful Deputy, and shall be by him delivered to the Clerk of the Crown within three days after such Election, to be by him filed in his Office, and sent through the Council to the Representatives at their first meeting as an Assembly.

That every male inhabitant within this Government, professing the Christian religion, being a natural-born subject of the Crown of Great Britain, or naturalized or made a denizen, who has attained the age of twenty-one years, and is seized, possessed of, or entitled to an Estate of Freehold within this Government, for term of his own life or for some greater estate, either at Law or in Equity, or who shall be seized or possessed in right of his wife, of an Estate of Freehold for her life, or some greater estate, of the clear and net annual value of One Hundred Pounds sterling money (or on or in respect of the produce of which estates, taxes shall be actually paid into the Treasury upon any sum not less than Four Hundred Pounds), whether such Estate be in the actual occupation of such person, or rented or leased out; every such male inhabitant as aforesaid, being a Lessee of any estate of five years, and paying a rent of Two Hundred Pounds per annum; every such male inhabitant as aforesaid who shall have and be in the actual receipt of a clear Yearly Income of not less than Three Hundred Pounds, derived as Attorney or Attorneys, Attorney and Manager, or Attorneys and Managers, having represented an absent proprietor or proprietors for twelve months;

No. 63.
31st January, 1845.

Provost Marshal General to take Oath for the performance of duty.

CL. V.
Provost Marshal to issue his Precept within seven days of receipt of Writ directed to a constable or constables.

Constables to summon Electors in accordance with precept.

Electors to have six clear days' notice.

Provost Marshal General to hold the Election on day mentioned in precept and advertisement in the most central part of the parish; no two divisions or parishes to elect on same day, except Kingstown and parish of St. George. Poll to open at 10 A.M. and close at 3 P.M.

How the Provost Marshal General is to take the poll.

Return to be made to Clerk of Crown within three days after Election, and same to be sent through Council to Representatives when met in Assembly.

CL. VI.
Who may be elected to sit in the Assembly for parishes and town of Kingstown.

No. 63.
31st January, 1845.

every such male inhabitant as aforesaid who shall have and be in the actual receipt of a clear Yearly Income of not less than Three Hundred Pounds, derived from any profession, trade, or business, practised or carried on within any parish or the Grenadines, or being the interest of money secured by mortgage of lands within this Government; every such male inhabitant as aforesaid possessed of a landed qualification less than One Hundred Pounds, but which together with an income derived from any of the foregoing sources shall amount to the sum of Three Hundred Pounds, and who shall for the year next preceding the date of the Writ of Election under which such person shall stand as a Candidate (which one year terminating on the thirty-first day of December next preceding the date of such writ) have paid into the Treasury of this Island the annual tax leviable or payable in respect of such income under the present Law or any future Law hereafter to be passed, shall be deemed qualified and capable of being elected as a Representative to serve in the Assembly of these Islands for any parish within the same or for the Grenadines; and that it shall not be necessary that the property in respect of which such qualification exists shall be situate in the parish or Grenadines for which such person so qualified as aforesaid may stand as a Candidate, but that such qualification wherever situate within this Government (except the town of Kingstown) shall be deemed a sufficient qualification for any parish therein, and for the Grenadines: and every such male inhabitant as aforesaid who is seized or possessed of an estate of Freehold for term of his own life, or for some greater estate, or in right of his wife as aforesaid, either in Law or in Equity, over and above what will satisfy all incumbrances that may affect the same, within the town of Kingstown of the annual value of One Hundred Pounds, or who shall have or be in the actual clear yearly income of not less than Three Hundred Pounds derived from any profession, trade, or business within the said town, or being the interest of money secured on mortgage of lands within this Government, on which income such person shall have paid the annual tax payable in respect of such income under the present or any future Law in like manner as aforesaid, shall be deemed qualified and capable of serving as a Representative for the town of Kingstown in the said General Assembly: *Provided always*, That no person shall be construed to be qualified to be elected or to serve as a Member of the said General Assembly within the meaning of this Act by virtue of any mortgaged lands whatsoever whereof the equity of redemption is in any other person or persons, unless the mortgagee be in the actual possession thereof, and shall have been in such possession for the space of seven years next before the time of his Election; *And provided also*, That no amount of income, unless taxable and the tax thereon paid as hereinbefore mentioned, shall qualify the person receiving the same to stand or be elected or to serve as a Member of the said Assembly.

CL. VII.
Person proposed as
Candidate (if required), to produce the
document under which
he claims to stand.

That every person who at any Election shall stand or be proposed as a Candidate to serve in the General Assembly of these Islands, who claims to be qualified in respect of any real estate, shall if thereunto required by any other Candidate or by any two of the Voters or Electors present at such Election, produce the Deed of Conveyance, Will, or other Document under which he claims to be qualified, or an authenticated copy of the same, in order to prove such qualification, and shall also, if thereunto required as aforesaid, take the Oath contained and set forth in the Schedule marked B to this Act annexed; which Oath the Returning Officer is hereby authorized and directed, if thereunto required by any Candidate or any two Voters, to administer; and in all cases where the Candidate or person proposed to be elected shall claim to be qualified under any deed or conveyance which shall not have been recorded in the Registrar's Office of this Island for twelve calendar months next preceding the date of the Writ under which the Election whereat he stands as a Candidate is holden, such person shall (if thereunto required as aforesaid) in addition to the above-mentioned Oath, take the Oath contained and set forth in the Schedule marked C to this Act annexed, which the said Returning Officer is hereby authorized and directed (if thereunto required as aforesaid) to administer: and where any Candidate

Persons claiming to
be elected on income

or person proposed to be elected, shall claim to be qualified in respect of his annual income, derived as hereinbefore provided for, such person shall, if thereunto required as aforesaid, take the Oath contained and set forth in the Schedule marked D to this Act annexed, which the Returning Officer is hereby authorized and directed, if thereunto required as aforesaid, to administer.

That from and after the passing of this Act every person who shall be elected a Member of the General Assembly of this Government, whose qualification consists of real estate, shall, before he presumes to vote in the said Assembly, or sit there during any debate in the said Assembly, produce and deliver in to the Clerk of the Crown, in case of a General Election, and to the Clerk of Assembly in all other cases, a paper or account, signed by such person so elected a Member, containing the name of the parish, town, or Island in the Grenadines, in which the lands, tenements, or hereditaments do lie, together with the particulars of such lands, tenements, or hereditaments whereby he makes out his qualification, declaring the same to be of the annual value hereinbefore provided for; and shall also take and subscribe the Oath contained and set forth in the Schedule marked E to this Act annexed before the Governor or Lieutenant-Governor, or Officer administering the Government, and the Council, in case of a General Election, and before the House of Assembly in all other cases; which Oath the Governor, Lieutenant-Governor, or Officer administering the Government, and Speaker of Assembly, are hereby respectively empowered to administer to every person returned to serve as a Member in the said Assembly before such person shall take the Oath of Allegiance; and every person elected as aforesaid whose qualifications shall consist of an annual income shall in like manner give in to the Clerk of the Crown or Clerk of Assembly, as the case may be, a statement in writing, signed by him, containing his name and profession or business or particulars of the mortgage under which his income is derived, together with the amount of clear annual income received by him [for] one year preceding the date of the Writ under which he was elected, and ending the thirty-first day of December next preceding the date of such Writ; and shall also make Oath before the Governor, Lieutenant-Governor, or Officer administering the Government and the Council, or Assembly, as the case may be, that the matters and things set forth in such statement are true: and if any person who shall be elected to serve as a Representative in any future Assembly of this Island shall presume to sit or vote as a Member of the said Assembly before he has delivered in such paper, account, or statement, and taken and subscribed such Oath or respective Oaths as aforesaid, or shall not be qualified, according to the true intent and meaning of this present Act, his Election shall be and is hereby declared to be void, and a new Writ shall be issued to elect another Member in the said person's room.

That from and after the passing of this Act, no person who shall be in or filling any of the several Offices within this Government following, that is to say:—the Secretary or Registrar of the said Island or his Deputy, the Provost Marshal General or his Deputy, the Collector, Comptroller, Surveyor, Searcher, Waiter, or Clerk in Her Majesty's Customs, or any other Officer concerned or employed in collecting, levying, or managing the Taxes, Subsidies, or Duties raised, levied, or imposed within this Government (the Treasurer excepted), shall be capable of being elected, or of sitting or voting as a Member of the General Assembly for this Government hereafter to be summoned and holden; and if any person hereby disabled, or declared to be incapable to be elected to sit or vote in any General Assembly of this Government, shall nevertheless be elected or returned to serve as a Member thereof, such Election and Return are hereby declared to be void to all intents and purposes whatsoever: and if any person disabled or declared incapable by this Act to be elected, shall, after the passing of this Act, presume to sit or vote as a Member of the House of Assembly at any meeting thereof to be hereafter holden, such person so sitting or voting shall forfeit and pay the sum of Fifty Pounds for every day in which he shall sit or vote in the said General Assembly, to such

No. 63.
31st January, 1845.

qualification, to produce receipt of Treasurer for payment of taxes for the year preceding date of Writ.

CL. VIII.
No person to vote or sit during a debate in the House of Assembly before he produces his qualification.

Persons not producing their qualification and not taking the Oath required, his Election declared void.

CL. IX.
Who declared incapable of sitting in the General Assembly.

Penalty for persons declared incapable presuming to sit or vote in the General Assembly.

No. 63.
31st January, 1845.

CL. X.
Qualification of persons entitled to vote at the Election of Members.

person or persons as shall sue for the same in the Supreme Court of Judicature of this Island, and the money so forfeited shall be recovered by the person or persons so suing, with full costs of suit, in the said Court by action of debt to which the party sued shall be compelled to appear and plead at the same time and in like manner as in all other actions of debt brought in the said Court, and in which action no privilege, protection, or wager of law shall be allowed.

That every male inhabitant of this Government, of full age and not subject to any legal incapacity, who shall be seized at Law or in Equity of any Freehold Estate in any lands or tenements within any of the parishes of this Island, or within any of the Islands called the Grenadines (not being within any of the towns in the said parishes or Grenadines), and shall be in the actual possession thereof, and who shall have a beneficial interest therein of the clear yearly value of Ten Pounds at the least, over and above all incumbrances and charges thereon or payable out of or in respect of the same; or who shall be seized at Law or in Equity of any Freehold Estate, in any lands or tenements, in any of the towns of the said parishes, or of the Grenadines, and shall be in the actual possession thereof, and who shall have a beneficial interest therein of the clear yearly value of Twenty Pounds at the least, over and above all incumbrances and charges thereon or payable out of or in respect of the same; or who shall be entitled, either as Lessee or Assignee, to any lands or tenements within this Government, whether of freehold or of any other tenure, for the unexpired residue, whatever it may be, of any term originally created for a period of not less than twenty years, of the clear yearly value of not less than Forty Pounds, over and above all rents and charges payable out of or in respect of the same; or for the unexpired residue, whatever it may be, of any term originally created for a period of not less than seven years, of the clear yearly value of not less than Sixty Pounds, over and above all rents and charges payable out of or in respect of the same; or who shall occupy as Tenant any lands or tenements within this Government for which he shall be *bonâ fide* liable to and actually pay a yearly rent of not less than One Hundred Pounds, shall be entitled to vote in the Election of a Member or Members to serve in the General Assembly of this Government for the parish or Grenadines in which such lands or tenements shall be respectively situate: *Provided always*, That no person being only a sub-lessee or the assignee of any underlease shall have a right to vote in such Election in respect of any such term of twenty years or seven years as aforesaid, unless he shall be in the actual possession of the premises; and every male inhabitant as aforesaid who shall be in the actual receipt of a clear Yearly Income of not less than Seventy Pounds derived from any profession, trade, or business, practised or carried on within this Government, or being the interest of mortgage money secured on lands in this Government, and who shall for one year next preceding the date of the Writ under which such person shall claim to vote, such one year terminating on the thirty-first of December next before the date of such Writ, have paid into the Public Treasury the annual tax payable in respect of such income, under the present Law or under any future Law to be passed laying a tax on income, shall be entitled to vote in the Election of a Member or Members to serve in the General Assembly of this Government for the parish, Grenadines, or town in which he shall be actually resident at the time of such Election held, provided he shall have been there actually resident for the space of six calendar months next preceding the date of the Writ under which he claims to vote.

CL. XI.
Qualification of persons claiming to vote in the Election of Members for Kingstown.

That every male inhabitant of the said Island as aforesaid, not subject to any legal incapacity, who shall be seized at Law or in Equity of any Freehold Estate in any lands or tenements in the town of Kingstown or within any place sharing in the Election for the said town, and shall be in the actual possession thereof and receipt of the rents or profits thereof, of the clear yearly value of Five Pounds at the least, over and above all incumbrances and charges thereon or payable out of or in respect of the same, or who shall occupy within the said town of Kingstown or within any place sharing in the election for the said town, as Lessee or Tenant, any house,

warehouse, counting-house, store, shop, or other building, and for which he shall be *bonâ fide* liable to, and actually pay a rent of not less than Forty Pounds, shall be entitled to vote in the Election of a Member or Members to serve in the General Assembly of this Government for the said Town of Kingstown.

That where any estate or lands or tenements situate or being within any of the parishes, town of Kingstown, or Grenadines in this Government shall be owned by more persons than one as tenants in common or as joint tenants, each of such persons shall be entitled to vote in the Election for the parish, town, or Grenadines wherein the same shall be situate in respect of such premises, if the clear yearly value of such estate, lands, or tenements shall be of an amount which, when divided by the number of such owners, shall give a sum of not less than Ten Pounds, if the same shall not be within any of the towns in the said parishes or Grenadines, and Twenty Pounds if within any of the said towns in the case of a Vote for a parish or for the Grenadines, and Five Pounds in the case of a Vote for the town of Kingstown: *Provided always*, That nothing in this Act shall be construed to extend to give a Vote in respect of any joint occupation alone, whether under any lease or otherwise, but only in respect of the Freehold.

That Partners in trade or business shall be entitled to vote at an Election for Members to serve in the Assembly in respect of profits arising from their copartnership business, provided the annual income received by every partner claiming to vote from and out of such profits shall amount to the sum of Seventy Pounds, and taxes paid thereon as hereinbefore provided for.

That from and after the passing of this Act no person shall be considered qualified to vote at the Election of a Member to serve in the said General Assembly who claims to be qualified as a Freeholder, unless he shall have been in the actual possession and receipt of the rents and profits, to his own use, of the lands or tenements in respect of which he shall claim to be qualified to vote, for the space of twelve calendar months next preceding the date of the Writ under which the Election whereat he claims to vote as a Freeholder is holden, unless the same came to him by descent, marriage, marriage settlement, or devise; nor shall any person vote in respect or in right of any freehold or leasehold estate which was made or granted to him fraudulently, on purpose to qualify him to give his vote; and that no person shall be considered qualified to vote as aforesaid who claims as Lessee, or assignee of a Lessee, or as occupier or tenant, unless such person shall have been in the actual possession or occupation of the lands or tenements in respect of which he claims to be entitled to vote for six calendar months next preceding the date of the Writ under which the Election whereat he claims to vote is holden.

That no person shall be allowed to have any vote in the Election of a Member to serve in the General Assembly for or by reason of any trust estate or mortgage, unless such trustee or mortgagee be in the actual possession and receipt of the rents and profits of the same estate, but that the mortgagor or cestuique trust in possession shall and may vote for the same estate, notwithstanding such mortgage or trust.

That every person who at any Election of a Member to serve in the General Assembly shall claim to be entitled to vote in respect of a Freehold qualification shall produce to the Returning Officer the Certificate of Registry of his Vote, under the hand of the Registrar of this Island or his lawful Deputy, and shall, if thereunto required by a Candidate or Voter there present (being himself duly qualified), produce the deed of conveyance, will, or other instrument under or by virtue of which he claims to be qualified to vote as aforesaid, or a certified copy thereof, in order to prove such qualification; and shall also, if thereunto required as aforesaid, take the Oath contained in the Schedule marked F to this Act annexed, which the said Provost Marshal General or his lawful Deputy is hereby authorized and directed, if he shall be thereunto required by any Candidate or Voter, to administer; and every person who at any such Election shall claim to be entitled to vote, either as Lessee or assignee of a lessee of any lands, tenements, or hereditaments within this Government, shall produce such Certificate of Registry as aforesaid,

No. 63.
31st January, 1845.

CL. XII.
Tenants in common or joint tenants entitled to vote in the Election of parish, town, or Grenadines in which the lands a.e situate.

CL. XIII.
Partners in trade may vote at an Election for Members, if share of profits amount to 70*l.*, and taxes paid thereon.

CL. XIV.
Persons claiming to vote on Freeholds must be in possession twelve months next preceding such Election, except in case of descent, &c.

Persons claiming to vote as Lessees or assignees, to be in possession six calendar months preceding the date of the Writ under which the Election is held.

CL. XV.
Trustee or Mortgagee, if in actual possession, may vote.

CL. XIV.
Persons claiming to vote on Freehold qualification to produce deed of conveyance, and shall also if required take oath.

No. 63.
31st January, 1845.

Tenants of any Lands claiming to vote to produce certificate of Registry, and if required take oath.

Persons claiming to vote in respect of Annual Income, to produce certificate of Registry, and also receipt of Treasurer or Deputy.

If such Income be derived from money or mortgage, mortgage deed or certificate to be produced if required.

CL. XVII.
Any person claiming to vote, or standing as a Candidate, refusing to take oath or produce document, when lawfully required, shall be incapable of voting or being elected.

CL. XVIII.
Conveyances made in a fraudulent manner, shall be taken as good against the person making them.

and shall, if thereunto required as aforesaid, produce the lease, assignment, or conveyance, deed or instrument under which he claims to be qualified to vote, and shall also, if thereunto required as aforesaid, in addition thereto, take the Oath contained in the Schedule G to this Act annexed, which the said Provost Marshal General or his lawful Deputy is hereby authorized and directed, if thereunto required as aforesaid, to administer; and every person who at any such Election shall claim to be entitled to vote in respect of his occupation as tenant of any lands, tenements, or hereditaments (not being a lessee or assignee of a lessee for a term of years), every such person shall produce such Certificate of Registry as aforesaid, and shall, if thereunto required as aforesaid, produce the last receipt for rent paid by him in respect of such lands, tenements, or hereditaments, or shall produce the Assessment of the Townwardens (where the premises are situated within any town), or a Certificate of Assessment, signed by any two Townwardens, showing the amount of the last Annual Assessment of the premises in respect of which the vote is claimed; and shall also, if thereunto required as aforesaid, take the Oath set forth in the Schedule marked H to this Act annexed, which the said Provost Marshal General or his lawful Deputy is hereby authorized and directed, if thereunto required as aforesaid, to administer; and every person, who at such Election shall claim to be entitled to vote in respect of his annual income, shall produce such Certificate of Registry as aforesaid, and shall, if thereunto required as aforesaid, produce the receipts of the Treasurer or his Deputy for the taxes upon such income for the year preceding the date of the Writ under which the Election is holden, such year ending the thirty-first day of December next before the date of the said Writ; and shall also, if thereunto required as aforesaid, make oath that he actually and *bonâ fide* received a clear net income during such year of not less than Seventy Pounds, derived from his profession, trade, or business, specifying what such trade, profession, or business was, and that the same was practised or carried on by him within this Government; and where such Income is derived from interest on mortgage money, the persons claiming to vote in respect of such income shall, if thereunto required as aforesaid, produce the mortgage deed, or a certificate of the same under the hand of the Registrar of Deeds in this Government, whereby the sum in respect of which his income is derived is secured; and shall also produce such receipts or certificates in respect of the taxes upon such income as hereinbefore required to be produced in case of Income derived from trade or business, and shall, if thereunto required as aforesaid, make oath that the said mortgage is a subsisting mortgage upon the lands therein mentioned; which several oaths the said Provost Marshal General, or his lawful Deputy, is hereby authorized and required, if thereunto required as aforesaid, to administer.

That if any person offering or claiming to vote at any Election for a Member of the said General Assembly, or proposed for standing as a Candidate or Member to serve in the said Assembly, shall at such Election refuse to take the Oaths hereby respectively prescribed, or any or either of them, or shall refuse to produce the document or documents by this Act required, or any or either of them, being thereunto lawfully required, such person so refusing shall be, and he is hereby declared to be incapable of voting at such Election, or of being elected or returned at such Election as a Member or Representative to serve in the said General Assembly.

That all Estates and Conveyances whatsoever made to any person or persons in any fraudulent or collusive manner, on purpose to qualify him or them to give his or their Vote or Votes at any Election for a Member for the said General Assembly, subject to conditions or agreements to defeat or determine such estate or to reconvey the same, shall be deemed and taken against those persons who executed the same as free and absolute, and be holden and enjoyed by all and every such person or persons to whom such conveyance shall be made as aforesaid freely and absolutely acquitted, exonerated, and discharged of and from all manner of trust, conditions, clause of re-entry, powers of revocation, provisos of redemption, or other defeasances whatsoever between or with the said parties or any other person or persons in trust for them, and that all bonds, covenants,

collateral or other securities, contracts or agreements between or with the said parties or any other person or persons in trust for them, or any of them, for the redeeming, revoking, or defeating such estate or estates, or for restoring or reconveying the same or any part thereof, to any person or persons who made or executed such conveyance, or to any other person or persons in trust for them or any of them, shall be null and void to all intents and purposes whatsoever; and that every person who shall make and execute such conveyance or conveyances as aforesaid, or being privy to such purpose shall devise or prepare the same, and every person who by colour thereof shall give any vote at any Election of any Member to serve in the said General Assembly, shall, for every conveyance so made or vote so created or given, forfeit the sum of Fifty Pounds to any person who shall sue for the same, to be recovered, together with full costs, by action of debt in the Supreme Court of Judicature of this Island, wherein no privilege or protection shall be admitted or allowed, and to which the party sued shall be compelled to appear and to plead in like manner and within such times as in other actions of debt in the said Court.

That no Public or Parliamentary Tax, Church or Parish Rate or duty or any other Tax, Rate or Assessment whatsoever to be assessed or levied within this Government, is or shall be deemed or construed to be any charge payable out of or in respect of any estate, within the meaning and intention of this Act, or included or comprised in any oath, or respective oaths, hereinbefore directed to be administered and taken as hereinbefore mentioned.

That if any person shall presume to violate the freedom of Elections by any false returns, menaces, or threats, or shall endeavour to force any elector or voter to vote for any person or persons against his own inclination and conscience, either by calling the inhabitants into arms, by making pretended Freeholders only for the purpose of electing or being elected, or hire, or by any other indirect ways procure, any vote, or who after the Election is over shall menace, despitefully use, or abuse any Freeholder, because he has not voted as he would have had him vote; or if any Military Officer or Civil Magistrate shall, by virtue of his power and office, endeavour or attempt to overawe or affright any Freeholder to vote contrary to his own inclination and conscience, the person or persons offending in any of the aforesaid instances shall forfeit the sum of One Hundred Pounds, one moiety to the Informer, the other moiety to be paid to the Treasurer of this Island for the public uses thereof, to be recovered by any person who shall sue for the same by action of debt in the Supreme Court of Judicature of this Island, in which no protection or privilege shall be allowed, and to which action the party sued shall be compelled to appear and plead in like manner and at such times as in other actions of debt in the said Court, provided the said penalty be sued for within twelve months after the offence committed; and the voters of the several parishes and towns, and of the Grenadines, within this Government, shall be and they are hereby protected in their persons and their usual personal equipages against all mesne and judicial process in civil causes on the day or respective days of choosing a Member or Members of Assembly in the parish, town, or Grenadines in and for which they are voters; and that the several Members of Assembly shall be and they are hereby protected in their persons and their usual personal equipages against all mesne and judicial process in civil causes on the day preceding each meeting of the Legislative Sessions, during the continuance of such Sessions, and on the day next after the Sessions shall have closed.

That in case any controversy, difference, or dispute shall take place, happen, or arise touching or relating to the Election, Return, or Qualification of any Representative returned to serve in the General Assembly, or touching or concerning any vote or votes taken or given, or refused to be received at any Election of a Member to serve in the said Assembly, the truth and legality of every such Election, Return, and Qualification of any Member or Members chosen to serve in the Assembly of these Islands, and the legality of all votes received or refused to be received by the Returning

No. 63.
31st January, 1845.

Persons making and executing or being privy to such conveyances, or who by colour thereof shall vote at an Election, shall forfeit 50*l.* to any person suing for the same.

CL. XIX.
No Tax or Rate to be deemed a charge payable out of or in respect of any Estate within the meaning of this Act.

CL. XX.
Persons violating freedom of Elections by threats, false return, menaces, &c., or any Military Officer or Civil Magistrate attempting to overawe or affright Freeholders, to cause them to vote contrary to their conscience, to forfeit 100*l.*, one moiety to Informer, and the other to Treasurer for use of Colony.

Voters to be protected in their persons and equipages against all mesne and judicial process in civil actions on day of Election, in their several parishes, towns, or Grenadines.

CL. XXI.
All disputes, &c., touching Elections or Votes, shall be decided by the House of Assembly only.

No. 63.
31st January, 1845.

CL. XXII.

In all controversies and disputes as to Election or Voters, Speaker may issue his Warrant to compel appearance of Witnesses.

Person not attending after being served with Summons, or attending refusing to be sworn, &c., may be committed to gaol for the Session by the Speaker.

Petition against return of Members to be lodged with Clerk of Assembly three days after first day of first meeting of Assembly.

CL. XXIII.

Leave may be given to Members to be absent for Six Months; if exceeded, seats to be vacated; any person accepting office under the Crown to vacate his seat at request of House of Assembly;

Officer shall be tried by the Representatives themselves only; and the Members of the Assembly shall, by a majority of votes, decide all such disputes and controverted Elections according to the rights and privileges of the Honorable House of Commons of Great Britain, so far as the same shall be consistent with the rights, privileges, and qualifications, and other matters hereinbefore contained, and that no practice or proceeding to the contrary hereof had or done shall be drawn into example or precedent to the prejudice of the people of this Government.

That on the trial of all controversies, disputes, or differences which shall arise touching or in anywise relating to the Election or return, or relating to the qualification of any Member or Members returned to serve in the General Assembly of this Government, or the vote or votes taken or given or refused to be received at such Election, the Speaker of the said Assembly is hereby authorized and empowered, at the instance of any Member returned to serve in the General Assembly, or any person petitioning against the return of any Member, to issue a Summons or Summonses in writing under his hand and seal, directed to the Serjeant-at-Arms of the said Assembly, in the form set forth in the Schedule I. to this Act annexed, to compel the appearance of witnesses before the House of Assembly on such trial, in which Summons may be included any number of witnesses; and such Summons shall be served at the cost and charge of the person requiring the same by the Serjeant-at-Arms of the said Assembly or his Deputy, or by any Constable authorized by him in that behalf, either personally on the witness or witnesses named in such Summons, or by leaving a copy of such Summons at his or her place of abode at least three days before the day on which he or she shall be required to attend; and if any person named in such Summons as a witness, being duly summoned as aforesaid, shall not attend on the day and at the time and at the place specified in such Summons, or attending shall refuse to be sworn, or being sworn shall refuse or neglect to answer such questions as shall be demanded of him or her by the said General Assembly touching or relating to the qualification or rights, or election or return of any Member returned to serve in the said General Assembly, or touching or relating to any vote or votes, voter or voters, at the Election of such Member, or tending to the discovery of bad or illegal votes thereat, or touching or relating to any illegal or unfair practices used by others to violate the Freedom of Election, every such person shall be committed by the Speaker of the said Assembly, by warrant under his hand and seal, to the Common Gaol of this Island, there to remain without bail or mainprize during the Session, or until otherwise discharged by order of the House, and so in like manner as often as he or she shall make default upon any new Summons, or attending upon such new Summons shall refuse to be sworn, or being sworn shall refuse to answer as aforesaid: and all and every persons and person who would controvert any Elections or Election shall give notice in writing to the Clerk of Assembly, at the first day of the first meeting of the Assembly after the Election, of his intention to petition against the same, and shall lodge his petition or petitions in writing with the Clerk of Assembly within three days next after the first day of the first meeting after such Election, and shall attend and prosecute the same within such time as the said Assembly shall appoint; and no notice of petition nor any petition for controverting any Election shall be received by the Clerk of Assembly after the times hereinbefore respectively appointed for lodging the same, and no Election shall be allowed to be controverted without a petition for that purpose duly lodged with the Clerk of Assembly.

That if any Member of Assembly shall be called up to the Council, or shall depart from this Government and remain absent for the space of three months without leave of the Assembly as hereinafter provided, or shall accept any office which disqualifies him from sitting or voting in the said Assembly, or shall accept any office of profit under the Crown, every such Member shall be deemed to have vacated his seat, and a new Writ for the Election of a Member shall be issued by the Governor, Lieutenant-Governor, or Officer administering the Government, on application for that purpose

made by the House of Assembly if sitting, and when the House shall not be sitting, then on application of the Speaker: *Provided always*, That it shall and may be lawful for the Assembly to grant leave to any Member or Members (not exceeding four at any one time) to leave this Government on their private affairs for any time not exceeding six months, at the expiration of which time such Member or Members shall, if absent, be deemed to have vacated his or their seat, and a new Writ for the Election of a Member in his or their place shall be issued by the Governor, Lieutenant-Governor, or Officer administering the Government, at the instance of the House of Assembly or Speaker, as the case may be.

That from the time this Act shall come into force no Assembly whatsoever that shall at any time hereafter be called, assembled, or held, shall have any continuance longer than for five years at the furthest, to be accounted from the day of the return of the Writs of Election on which the said Assembly shall be appointed to meet, unless such Assembly shall be sooner dissolved by the Governor, Lieutenant-Governor, or Officer administering the Government for the time being.

That no person shall be made liable for any incapacity or disability, or to any forfeiture or penalty by this Act laid or imposed, unless prosecution shall be commenced or action brought within one year after such forfeiture or penalty in respect of such incapacity or disability shall have been incurred, anything herein contained to the contrary thereof in anywise notwithstanding.

That every person who shall claim to be entitled under this present Act to vote at the Election of a Member or Members to serve in the General Assembly of this Island shall fourteen days at the least before the first General Election held under this Act, and in like manner before every General Election, cause his name to be registered and placed by the Registrar of Deeds of this Island or his lawful Deputy on the list of Voters for the parish, town, or Grenadines in or for which he claims to be entitled to vote; and no person whose name has not been thus entered or registered at least fourteen days on such list shall be considered a Voter, or entitled at any Election to vote for a Member or Members to serve in the said General Assembly; and every such person so entering his name with the Registrar shall and may at the time of causing his name to be thus registered demand and have of and from the said Registrar or his Deputy a Certificate of the Registry of his Vote in the form hereinafter set forth; which Certificate shall be produced to the Returning Officer at any Election whereat such person shall claim to vote, before his vote shall be received; and when a right or title to vote shall have accrued to or have been acquired by any person subsequently to the Registration to be had and made before the first General Election under this Act, and prior to the next General Registration or between the periods for making a General Registration of votes, or where any person shall have neglected at any General Registration to cause his Vote to be registered, it shall and may be lawful for every such person, at least fourteen days before any Election whereat he claims to vote for a Member or Members to serve in the said General Assembly, to register his vote with the said Registrar or his Deputy, and to apply for and obtain such Certificates as aforesaid.

That the Registrar of the said Island or his lawful Deputy shall provide at the public expense a Book or Books for the Registration of the names of all persons claiming to be entitled to vote at the Election of a Member or Members to serve in the General Assembly of this Government; in which Book or Books a separate entry or registry for each parish, town, and for the Grenadines, shall be made and kept, and the names of all persons registering their names as Voters as hereinbefore provided for shall be entered alphabetically in the list or registry for the parish, town, or Grenadines in respect of which such Right of Vote is claimed; and the said Registry shall be kept in the Registrar's Office, and shall be open to the inspection of any person or persons demanding the same; with liberty to make any extracts therefrom upon paying a fee to the said Registrar of One Shilling; and every person registering his name as a Voter shall, for such registration and for the Cer-

No. 63.
31st January, 1845.

In case of vacancy, if House be sitting, Governor, Lieutenant-Governor, or Officer administering the Government may issue Writ, if House not sitting, at request of Speaker.

CL. XXIV.
Limits duration of Assembly to five years.

CL. XXV.
Prosecutions for incapacity or disability, &c., to be commenced within one year after incurred.

CL. XXVI.
Mode of Registration of Voters.

CL. XXVII.
Registrar of Island to keep Book or Books, and to enter names of Voters alphabetically.

Books of Registration to be kept in Registrar's Office, and extracts may be taken therefrom on paying a fee of 1s.

No. 63.
31st January, 1845.

Voters registering
their names, on receiv-
ing Certificate to pay
a fee of 1s.

CL. XXVIII.
Suspension Clause.

tificate to be given thereupon, as hereinbefore provided, pay to the said Registrar a fee of One Shilling; and the said Registrar shall and may also demand and have a fee of One Shilling for every name included in any Certificate by him given from such Registry, which he is hereby authorized and required to give to any person requiring the same. And the form of Certificate to be given to each person registering his name as a Voter shall be as follows, and shall be signed by the Registrar or his Deputy.

"REGISTRAR'S OFFICE, ST. VINCENT [date].

"A. B. [voter's name] was this day duly registered as claiming to vote
"for [Parish, Town, or Grenadines, as the case may be]."

That this Act shall not come into operation until Her Majesty's pleasure thereon be known.

SCHEDULE A.

FORMS OF WRIT ON A GENERAL ELECTION.

ST. VINCENT.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To the Provost Marshal General of our said Island of St. Vincent and its Dependencies, or his lawful Deputy, Greeting.

WHEREAS we have thought fit, by and with the advice of our trusty and well-beloved [Governor, Lieutenant-Governor, or Officer administering the Government for the time being], in and over the Islands of St. Vincent, Bequia, and such other the Islands, commonly called the Grenadines, as lie to the northward of Carriacou, in America, and of the Council of the same, to call a General Assembly for our said Island, to meet at the town of Kingstown, in our said Island of St. Vincent, on the day of , in the year of our Lord one thousand eight hundred and , to make, constitute, and ordain laws, statutes, and ordinances for the public welfare and good government of our said Island.

These are therefore to will and require you the said Provost Marshal General or your lawful Deputy to cause to be summoned and convened together the several Freeholders and other the Electors of and for the [Parish of , or Grenadines, or Town of Kingstown, as the case may be], at such time and place as you shall appoint in the said [Parish, Town, or Grenadines, as the case may be], then and there to make choice of able, substantial, and discreet person being qualified according to an Act of our said Island, bearing date the day of , in the year of our Lord one thousand eight hundred and , and intituled "An Act for regulating the proceedings at Elections of Members to serve in the General Assembly of the Island and Government of St. Vincent and its Dependencies, for determining the qualifications of Members and Electors, and for repealing the Act of the said Island therein mentioned," to serve as Representative for the said [Parish of , Town, or Grenadines, as the case may be], in the General Assembly: and a return of this Writ, with your proceedings hereon, you are to make in the manner appointed by our said Act.

Witness:

[Governor, Lieutenant-Governor, or Officer administering the Government for the time being] in and over the Islands of St. Vincent, Bequia, and such other the Islands, commonly called the Grenadines, as lie to the northward of Carriacou, in America, Chancellor, Ordinary, and Vice-Admiral of the same, at Kingstown, the day of one thousand eight hundred and , and in the year of our reign.

SCHEDULE A.

FORM OF WRIT OF ELECTION ON DEATH OR VACANCY BY ABSENCE.

ST. VINCENT.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To the Provost Marshal General of our said Island of St. Vincent and its Dependencies, or his lawful Deputy, Greeting.

WHEREAS , of the said Island, Esquire, was lately chosen one of the Members for the Parish of , [Town of Kingstown, or Grenadines, as the case may be], in our said Island, to serve in the General

Assembly of the same, summoned to be holden at our Town of Kingstown, on the day of , in the year of our Lord , on which day the said General Assembly was begun and held, and from thence by several adjournments and prorogations adjourned and prorogued unto the day of , in the year of our Lord : And whereas the said , being so chosen a Member of the said General Assembly, hath been called up to our Council [or hath been appointed by us to the Office of ; or is since dead ; or hath departed and been absent from our said Island for the space of three calendar months, without leave of the said General Assembly ; or, having obtained leave of absence from the said General Assembly been absent from our said Island for the space of three months beyond the term in such leave of absence specified, as by a letter of our trusty and beloved the Honourable , Speaker of the said General Assembly, more fully and plainly appears] ; by means whereof our subjects of the said Parish [or Town of Kingstown, or Grenadines, as the case may be] are deprived of a Member to serve in the said General Assembly.

These are therefore to will and require you the said Provost Marshal General or your lawful Deputy to cause to be summoned and convened together the several Freeholders and other the Electors of and for the Parish of , [Grenadines, or Town of Kingstown, as the case may be,] at such time and place as you shall appoint in the said Parish, [Town, or Grenadines, as the case may be,] then and there to make choice of an able, substantial, and discreet person, being qualified according to an Act of our said Island, bearing date the day of , in the year of our Lord one thousand eight hundred and , to serve as a Representative for the said Parish of , [Town, or Grenadines, as the case may be,] in the said General Assembly, in the stead and room of the said , and a return of this Writ, with your proceedings hereon, you are to make in the manner appointed by our said Act.

Witness :

[Governor, Lieutenant-Governor, or Officer administering the Government for the time being], in and over the Islands of St. Vincent, Bequia, and such other the Islands, commonly called the Grenadines, as lie to the northward of Carriacou, in America, Chancellor, Ordinary, and Vice-Admiral of the same, at Kingstown, the day of , one thousand eight hundred and , and in the year of our reign.

SCHEDULE B.

I A. B. do swear that I truly and *bonâ fide* have such an Estate in Law or Equity to and for my own use and benefit of or in Lands, Tenements, or Hereditaments, over and above what will satisfy and clear all incumbrances that may affect the same, of the clear annual value of [One Hundred Pounds sterling, or on or in respect of the produce of which estate taxes have been actually paid into the Treasury upon a sum not less than Four Hundred Pounds, as the case may be, in the case of a Parish or Grenadines, and One Hundred Pounds sterling in the case of the Town of Kingstown,] as doth qualify me to be elected and returned to serve as a Member for the Parish of , [or Grenadines, or Town of Kingstown, as the case may be,] according to the tenour and true meaning of the Act of the Island in that behalf, and that my said lands, tenements, or hereditaments are lying or being within the Parish of , [or within the Town of Kingstown or Island of the Grenadines, as the case may be].

SCHEDULE C.

I A. B. do swear that the Lands and Estate in the Parish of , [or Town of Kingstown, or Grenadines, as the case may be,] for and in respect of which I claim to be qualified to serve as a Member in the General Assembly of this Government, are actually in my possession, [or under lease to A. B. (the lessee), as the case may be,] and do really and truly belong to me, and are my own proper estate, and are not conveyed to me in trust or for or on behalf of any other person whatsoever, and that neither I nor any other person, to my knowledge, in my name or on my account, or by my allowance, have given or intends to give any promise, obligation, bond, back-bond, or other security whatsoever, other than appears from the tenour and contents of the title upon which I now claim to be qualified as aforesaid, directly or indirectly, for re-disposing or reconveying the said lands and estate in any manner of way whatsoever, or for making thereof forthcoming to the use or benefit of the person from whom I have acquired the said estate, or any other person what-

No. 63.
31st January, 1845.

soever, and that my title to the said lands and estate is not nominal or fictitious, created or reserved in me, in order to enable me to serve as a Member in the Assembly, but that the same is a true and real estate in me, for my own use and benefit and for the use of no other person whatsoever.

SCHEDULE D.

I *A. B.* do swear that I am in the actual receipt of a clear yearly income, amounting at the least to Three Hundred Pounds sterling, and that for and during the year mentioned and specified in the receipts for the taxes on my income for the year respectively mentioned in such receipts, and now produced by me, I did actually receive a clear income, amounting to the sum of Three Hundred Pounds sterling at the least; that such income now in receipt by me and the income received by me during the year aforesaid is and was derived from my profession [trade or business, *as the case may be*] of a [specifying the profession, trade, or business], and that the same was carried on by me during such year within this Government, [or, in case of such income being derived from interest on mortgage money secured on real estate, from a certain mortgage, specifying the date and names of the parties,] whereby the sum of [specifying the sum secured] is secured on estate [naming the estate or lands] within this Government.

SCHEDULE E.

I *A. B.* do swear that I truly and *bonâ fide* have such an Estate, in Law or Equity and of such value, to and for my own use and benefit, of or in Lands, Tenements, or Hereditaments, over and above what will satisfy and clear all incumbrances that may affect the same, or on or in respect of the produce of which estate taxes have been actually paid into the Treasury, upon a sum not less than Four Hundred Pounds, as doth qualify me to be elected and returned to serve as a Member for the place I am returned for, according to the tenour and true meaning of the Act of this Island of St. Vincent in that behalf; and that such lands, tenements, or hereditaments do lie as described in the paper or account signed by me, and delivered to the Clerk of the Council [or House of Assembly, *as the case may be*].

SCHEDULE F.

I *A. B.* do swear that I am a Freeholder in the Parish of [or Town of Kingstown, or Grenadines, *as the case may be*,] and have a Freehold Estate, consisting of [specifying the nature of such freehold estate, whether messuage, land, rent, or what else; and if such freehold estate consists in messuages or lands, then specifying in whose occupation the same are; and if in rents, then specifying the names of the owners or possessors of the lands or tenements out of which such rent is issuing, or of some or one of them], lying or being in the said Parish of [Town of Kingstown, or Grenadines, *as the case may be*,] of the clear yearly value of Ten Pounds sterling, [in case the qualification be not within any Town, and Twenty Pounds sterling, if within any of the towns where the election is for a Parish or the Grenadines, and Five Pounds where the election is for the town of Kingstown,] over and above all rents and charges payable out of or in respect of the same; and that I have been in the actual possession or receipt of the rents and profits thereof, for my own use, for twelve calendar months last past, [or, that the same came to me within the said period of twelve calendar months last past, by descent, marriage, marriage settlement, or devise, *as the case may be*,] and that such Freehold Estate has not been granted or made to me fraudulently, on purpose to qualify me to give my vote; and further, that the Deed [or Deeds] now produced by me is [or are] *bonâ fide* a real and absolute Deed [or Deeds] without cozen or fraud, and that I am under no promise or obligation whatsoever to give up or surrender the said Deed [or Deeds], or the lands, tenements, or hereditaments therein comprised and conveyed at any time hereafter. So help me God.

SCHEDULE G.

I *A. B.* do swear that the Deed now produced by me is *bonâ fide* a real and absolute Deed according to the purport thereof, without cozen or fraud, and not made or executed to me under colour only to make me capable to vote for a Representative to serve in the General Assembly of this Government; and I do further swear that I am in the actual possession of the lands, tenements, or

hereditaments comprised therein, and have been in the possession thereof for the space of six calendar months now last past, and have received and do still receive, to my own use, all the profits thereof, subject only to the rent reserved to the lessor, and am under no promise or obligation whatsoever to give up or surrender the said Deed, or the lands, tenements, or hereditaments therein comprised and demised or leased at any time prior to the termination of the term in such Deed mentioned, after I shall have voted at this Election. So help me God.

No. 63.
31st January, 1845.

SCHEDULE H.

I *A. B.* do swear that I, now at the time of taking this Oath, am in the occupation, as Tenant to [mentioning the name of the Landlord], of [describe the lands, tenements, or hereditaments in respect of the occupation of which the vote is claimed], situate, lying, and being in the Parish of _____, [or Town of Kingstown, or Grenadines, as the case may be,] and that I have been in such occupation and possession for the space of six calendar months next preceding the day of the date of the Writ under which this present Election is now holden; and that I am *bonâ fide* liable to a yearly rent for the said lands, [tenements, or hereditaments, as the case may be,] of not less than One Hundred Pounds sterling [if the vote shall be for a Member to serve for a Parish or for the Grenadines, and One Hundred Pounds sterling, if for the Town of Kingstown].

SCHEDULE I.

ST. VINCENT.

To *A. B.* (the Serjeant at Arms), Serjeant at Arms of the Honourable House of Assembly of the Island and Government of St. Vincent.

WHEREAS a Petition hath been presented to the House of Assembly of this Colony of St. Vincent by *A. B.* [naming the Petitioner or Petitioners], against the return of *C. D.* [naming the Member whose return is petitioned against], returned as elected a Member of the said House of Assembly for the Parish of [or Town of Kingstown, or the Grenadines, as the case may be], and whereas _____, the _____ day of _____, one thousand eight hundred and _____, hath by the said House of Assembly been appointed for the trial of the matters in the said Petition mentioned, and the said [Petitioner or Member, as the case may be] hath in pursuance of the Act in such case made and provided, applied to me the undersigned *A. B.* [Speaker,] the Speaker of the said House of Assembly, for a Summons to compel the appearance of the party [or parties, as the case may be] hereinafter named, on the day aforesaid, as a witness [or witnesses, as the case may be] on behalf of the said [Petitioner or Member, as the case may be].

Now these are therefore to require you to summon *C. D.*, *E. F.*, &c. [as many witnesses as are required, setting forth their names], personally to be and appear before the House of Assembly of this Island, at the Court House in the Town of Kingstown, on _____, the _____ day of _____, one thousand eight hundred and _____, at the hour of _____ o'clock in the [forenoon or afternoon, as the case may be], to testify his, her, or their knowledge concerning the premises. Herein fail not.

Given under my hand and seal, this _____ day of _____, in the year of our Lord one thousand eight hundred and _____

No. 64.

An Act to make Provision, by way of House Rent, for the several Curates of the respective Parishes of this Island; and to grant an Annual Sum in aid of a Stipend for a Curate for St. Andrew's Parish.

[15th May, 1845.]

WHEREAS no places of residence are provided for the several Curates of the parishes of this Island, or other provision made in lieu thereof, and it is expedient to provide a sum of money for the payment of Rent until such places of residence shall be provided; *Be it therefore enacted* by the Officer administering the Government of the Island of St. Vincent and its Dependencies, and the Council and Assembly of the same, that there shall be paid quarterly by the Treasurer to the order of the several Curates of the parishes

Preamble.

CL. I.
Authorizes quarterly payment of 12l. 10s. sterling to the Curates of the several parishes of the Island as House Rent.

No. 64.
15th May, 1845.

CL. II.
Making provision for
a Curate of St. An-
drew's parish.

CL. III.
Curate of St. An-
drew's to be Chaplain
of the Legislature.

of this Island, the sum of Twelve Pounds Ten Shillings sterling, as and for Rent.

And whereas there is no Curate for the parish of St. Andrew and no provision for any such Curate, and it is expedient that provision should be made for a Curate for the said parish; *Be it therefore enacted*, That there shall be paid by the Treasurer of the said Island to the order of the person who shall be appointed Curate for the parish of St. Andrew in this Island, for the time being, in aid of the provisions to be otherwise made for such Curate, the sum of One Hundred Pounds, by quarterly payments.

That the said person for the time being so to be nominated Curate of St. Andrew's parish, shall, by virtue of his appointment and nomination to such Curacy, so long as he shall hold the same be and become the Chaplain of the Legislative Bodies of this Island, and as such do and perform the functions and duties as such Chaplain without further fee or stipend.

No. 65.

An Act to alter and amend an Act, entitled "An Act to repeal the several Acts relating to the Office of Treasurer, and to regulate his Duties."

[13th August, 1845.]

Preamble.

WHEREAS by the third Clause of the Act of the Legislature of the Island of St. Vincent and its Dependencies published the fourteenth day of February, one thousand eight hundred and forty-four, it is enacted that the Treasurer, at or before the time of his being sworn into the said Office, shall enter into a recognizance, either here or in England, himself in the sum of One Thousand Pounds, with two sufficient Sureties in the sum of Five Hundred Pounds each, unto Her Majesty, her heirs and successors conditioned for the due and faithful performance of the duties of the said Office, and for accounting for and paying over, in manner therein provided for, all public moneys that may come into his possession by virtue of his said Office, or in possession of his heirs, executors, or assigns, in case of death or resignation of Office: *And whereas* it is expedient that the mode of giving Security should be extended, *Be it therefore enacted* by the Officer administering the Government of the Island of St. Vincent and its Dependencies, the Council, and Assembly of the same, that from and after the publication of this Act it shall be lawful for the Treasurer to give the Security in the amount and manner prescribed by the said third Clause, or by entering into separate recognizances here or in England; that is to say, the Treasurer in one recognizance and the Sureties in another, or each Surety in a separate recognizance, at his or their discretion.

CL. I.
Security to be given
by Treasurer.

That where Security is given in England the Sureties shall be approved of by Her Majesty's Secretary of State for the Colonies, and when entered into in this Island by the Officer administering the Government of the said Island of St. Vincent and its Dependencies.

CL. II.
Sureties by whom ap-
proved.

CL. III.
Officer administering
the Government, in
case of leave of ab-
sence being granted
to Treasurer, may
appoint provisional
holder of Office.

That in case of leave of absence being granted to the Treasurer, it shall be lawful for the Officer administering the Government of the Island of St. Vincent and its Dependencies to appoint a provisional holder of the Office of Treasurer, who shall take the Oath prescribed in the Treasurer's Act, and whose official acts shall be as valid and effectual as those of the Treasurer.

CL. IV.
Provisional holder of
Office to enter into
recognizances.

That the person so to be appointed provisional holder as aforesaid shall enter into recognizance or recognizances in amount, mode, manner, and form similar to that prescribed for the Treasurer in the third Clause of the Treasurer's Act, entitled "An Act to repeal the several Acts relating to the office of Treasurer, and to regulate his Duties;" or the person so to be appointed provisional holder as aforesaid shall enter into a recognizance or recognizances in the amount and manner prescribed by the third Clause of the Treasurer's Act, or by entering into separate recognizances here or in England, that is to say, the provisional holder in one recognizance, and the Sureties in another, or each Surety in a separate recognizance, at his or

their discretion, in like manner as the Treasurer is authorized to do by this present Act.

That, during the residence of the Treasurer in the said Island of St. Vincent, it shall be lawful for such Treasurer to nominate and appoint a Deputy or Deputies to assist him in the performance of his duty, whose official acts shall be as valid as those of the Treasurer; and the said Deputy or Deputies shall take the following Oath before the Officer administering the Government of these Islands:—

You *C. D.* do swear that you will faithfully and truly execute the duty of Deputy-Treasurer of this Island and its Dependencies in the manner directed and required by an Act, entitled “An Act to repeal the several Acts relating to the Office of Treasurer, and to regulate his Duties;” and also an Act, entitled “An Act to alter and amend an Act, entitled ‘An Act to repeal the several Acts relating to the Office of Treasurer, and to regulate his ‘Duties.’”

That when the Treasurer shall make an appointment of a Deputy or Deputies, before the said Deputy or Deputies are permitted to act the Treasurer shall enter into a recognizance or recognizances either here or in England, in the amount, mode, manner, and form prescribed by the Treasurer's Act, or in the amount prescribed by the said Treasurer's Act, but in the mode, manner, and form authorized by this present Act, conditioned for the due and faithful performance of the duties of the said Office by himself and his Deputy or Deputies, and for his and their accounting for and paying over all public moneys that may come into the possession of the said Treasurer, his Deputy or Deputies, or either of them, by virtue of the said Office, or into possession of the heirs, executors, administrators, or assigns of such Treasurer, Deputy or Deputies, any or either of them, in case of death or resignation of Office; which said Sureties, at the time of entering into such recognizance or recognizances (if the same be given in this country), shall respectively take and subscribe the following Oath:—“I *A. B.* do swear “that I do in my conscience believe that, after payment of my just debts, I “am fairly and *bonâ fide* worth the sum of Five Hundred Pounds in real “estate within this Government.”

That the recognizance or recognizances to be executed as aforesaid shall be a charge on the goods, chattels, lands, tenements, and hereditaments of the person or persons so executing the same, from the date thereof until the said recognizance or recognizances is or are duly satisfied, released, or discharged.

That the fourth Clause of the said Act, entitled “An Act to repeal the “several Acts relating to the Office of Treasurer, and to regulate his “Duties,” shall be, and the same is hereby repealed.

That if any person already appointed or hereafter to be appointed to the said office of Treasurer shall happen to die, or shall surrender, or be dismissed from the said Office, then and in such case, if no misbehaviour shall appear in the execution of the said Office within four years after such death, surrender, or dismissal, the recognizance or recognizances so to be entered into as aforesaid shall from thenceforth cease, determine, and be absolutely void, to all intents and purposes, as if the said recognizance or recognizances had never been entered into.

No. 65.
13th August, 1845.

CL. V.
Treasurer may appoint Deputy or Deputies during his residence in Island.

Oath to be taken by Deputy.

CL. VI.
Recognizances to be entered into by Treasurer on appointment of Deputy.

Oath to be taken by Sureties in this Island.

CL. VII.
Recognizances to be a charge on the goods and land of the persons executing the same.

CL. VIII.
Repeals fourth Clause of recited Act.

CL. IX.
Limits the duration of recognizances, after death, surrender, &c., of Treasurer, to four years.

No. 66.

An Act to grant a Sum of Money in Aid of the School for the Education of the Poor. [13th August, 1845.]

WHEREAS for several years an Annual Sum of One Hundred Pounds, under a joint Resolution of the Council and Assembly sanctioned by the Executive, has been paid from the public funds in aid of the School in Kingstown for the Education of the Poor; And whereas from the increased usefulness of that Institution it has been deemed proper and requisite to augment the amount, *Be it therefore enacted* by the Officer administering the Government,

CL. I.
Authorizes payment

No. 66.
13th August, 1845.

of 150*l.* annually in aid of School for Education of Poor, in lieu of former sum.

the Council, and Assembly of the Island of St. Vincent and its Dependencies, That from and after the passing of this Act it shall be lawful for the Officer administering the Government to issue his Warrant to the Treasurer to pay to the order of the Chairman of the Institution in Kingstown for the Education of the Poor the annual sum of One Hundred and Fifty Pounds, in quarterly payments and in lieu of the sum heretofore granted.

No. 67.

An Act to authorize the Officer administering the Government of these Islands, for the time being, to assent to Bills passed by the Council and Assembly, after the Close of the Session in which they have been passed.
[15th October, 1845.]

Preamble.

WHEREAS it frequently happens, from the time which is necessarily expended in transmitting Bills passed by the Council and Assembly of the Island of St. Vincent and its Dependencies for the consideration and approval of the Governor-in-Chief, and in returning such Bills, that the Session in which such Bills are so passed has closed before the return thereof to this Island, in consequence of which great delay is frequently occasioned, and the Colony put to considerable unnecessary expense: *Be it therefore enacted* by the Officer administering the Government of the Island of St. Vincent and its Dependencies, and Council and Assembly of the same, That from and after the passing of this Act it shall be lawful for the Officer administering the Government of these Islands for the time being, and he is hereby authorized and required to assent to any Bill or Bills which may be passed by the Council and Assembly of the same, and approved by the Governor-in-Chief, although the Session in which such Bill or Bills may have been so passed shall have terminated previous to such assent being given thereto.

CL. I.
Governor authorized to assent to Bills after termination of Session in which they were passed.

CL. II.
Bills so passed to be good, valid, and effectual.

Provided such Bills be assented to within six months after being passed.

That all Bills so assented to shall and they are hereby declared to be as good, valid, and effectual, and obligatory as Laws of these Islands to all intents, constructions, and purposes as if the same had been assented to by the Officer administering the Government of these Islands for the time being, during the Session in which they shall have been passed by the Council and Assembly: *Provided nevertheless*, that such assent be given within six months from and after the passing of such Act by the Council and Assembly.

No. 68.

An Act to alter the Sureties to be given by the Secretary and Registrar of Deeds, and Registrar of the Court of Chancery.

[15th October, 1845.]

Preamble.

WHEREAS, by an Act made and published the twelfth day of March, one thousand eight hundred and twenty-seven, entitled "An Act to repeal a part of an Act, entitled 'An Act against covenous and fraudulent Conveyances, and for establishing a Public Registry in the Island of St. Vincent, and to increase the Security heretofore given by the Registrar, 'and to extend the same to the Registrar of the Court of Chancery;'" it is amongst other things enacted that every Registrar at the time of his being sworn into office shall enter into a Recognizance, with two sufficient Securities to be approved of by the Commander-in-Chief for the time being and the Council and Assembly of the said Island of St. Vincent, before one of the Justices of the Court of Common Pleas in the said Island, each in the penalty of Two Thousand Five Hundred Pounds of current money of the said Island, unto His Majesty, his heirs and successors, conditioned for the true and faithful performance of his duty in the execution of his said offices of Secretary and Registrar of Deeds, and Registrar of the Court of Chancery.

And whereas, since the passing of the above in part recited Act two

Acts of the Legislature have been passed, one abolishing the denomination of Colonial Currency or Current Money and substituting Sterling, and the other altering the style and title of the Court of King's Bench and Common Pleas to that of the Supreme Court of Judicature of the Island of St. Vincent.

And whereas, from the altered circumstances of the Colony the Security given by other Public Officers has been reduced, and it is expedient to extend the same to and make the Security to be given by the Secretary and Registrar of Deeds, and Registrar of the Court of Chancery similar to that given by the Treasurer.

Be it enacted by the Officer administering the Government of the Island of St. Vincent and its Dependencies, the Council, and Assembly of the same, that the person holding the Offices of Secretary and Registrar of Deeds and Registrar of the Court of Chancery when this Act is published shall enter into a Recognizance or Recognizances, either here or in England, himself in the sum of One Thousand Pounds, with two sufficient Securities in the sum of Five Hundred Pounds each, unto Her Majesty, her heirs and successors, conditioned for the due and faithful performance of the duties of the said Offices by himself and his Deputy, and for accounting for and paying over all moneys that may come into the hands or possession of the said Secretary and Registrar of Deeds and Registrar of the Court of Chancery, or the hands or possession of his Deputy by virtue of his said Office, or into the possession of the heirs, executors, administrators, or assigns, of the said Secretary and Registrar of Deeds and Registrar of the Court of Chancery, or his Deputy, or either of them, in case of death or resignation of Office; which Sureties, at the time of entering into the said Recognizance or Recognizances, if the same be given in this country, shall take and subscribe the following Oath before one of the Justices of the Supreme Court of Judicature:—"I do swear that I do in my conscience believe that after "payment of all my just debts, I am fairly and *bonâ fide* worth the sum of "Five Hundred Pounds in real estate within the Government of the Island "of St. Vincent and its Dependencies;" and the said Oath shall be written on the said Recognizance, and recorded, together with the said Recognizance, in the Secretary's Office.

That the Security so to be given by the Secretary and Registrar of Deeds and Registrar of the Court of Chancery may be effected by the said Officer and his Securities entering into separate Recognizances, that is to say, the Secretary and Registrar of Deeds and Registrar of the Court of Chancery entering into one Recognizance, and his Sureties into another, or each surety into a separate Recognizance, at his or their discretion.

That when Security is given in England the Sureties shall be approved of by Her Majesty's Secretary of State for the Colonies, and when in this Island by the Officer administering the Government of the Island of St. Vincent and its Dependencies.

That any person hereafter to be appointed Secretary and Registrar of Deeds and Registrar of the Court of Chancery shall, before he enters on the duties of his Office, give Security in the amount, mode, manner, and form hereinbefore mentioned.

That the Recognizance or Recognizances so to be executed as aforesaid shall be a charge on the goods, chattels, lands, tenements, and hereditaments of the persons so executing the same, from the date thereof until the said Recognizance or Recognizances is or are duly satisfied, released, or discharged.

That if any person already appointed or hereafter to be appointed to the said Offices of Secretary and Registrar of Deeds and Registrar of the Court of Chancery shall happen to die, or shall surrender or be dismissed from the said Offices, then and in such case, if no misbehaviour shall appear in the execution of the said Offices within four years after such death, surrender, or dismissal, the Recognizance or Recognizances so to be entered into as aforesaid shall from thenceforth cease, determine, and be utterly and absolutely void to all intents and purposes, as if the said Recognizance or Recognizances had never been entered into.

No. 68.
15th October, 1845.

CL. I.
Security to be entered into by Secretary and Registrar of Deeds, &c., and two Sureties.

Form of oath.

CL. II.
Security may be effected by Secretary and his Sureties entering into separate Recognizances.

CL. III.
Security how taken in England and how in this Island.

CL. IV.
Future Secretary to give Security before entering on duties of Office.

CL. V.
Recognizances to be a charge on the goods, &c., of parties executing the same.

CL. VI.
In case of death, surrender, &c., of Secretary, and no misbehaviour appearing in four years after, Recognizance to cease.

No. 69.

An Act to purchase Land in Bequia as Glebe.

[12th February, 1846.]

CL. I.

WHEREAS no Glebe is attached to the Rectory in Bequia, and it is expedient and just that Lands should be purchased for the purpose, *Be it therefore enacted* by the Officer administering the Government of the Island of St. Vincent and its Dependencies, the Council, and Assembly of the same, that from and after the passing of this Act the sum of One Hundred and Fifty Pounds shall be placed at the disposal of the Rural Dean and the Commissioners of Public Buildings, to be by the Rural Dean and the said Commissioners, or by the Rural Dean and a majority of the said Commissioners expended in the purchase of Lands in Bequia as Glebe.

CL. II.

That the Lands, when purchased, shall be conveyed to the present Incumbent and his successors, as Glebe for the use of the Rector of Bequia and his successors.

No. 70.

An Act to provide a Salary for the Chief Justice of the Island of St. Vincent and its Dependencies.

[5th August, 1846.]

WHEREAS, in the event of a vacancy in the Office of Chief Justice of the Island of St. Vincent and its Dependencies, it is expedient to make permanent provision for the said Office; *Be it therefore enacted* by the Officer administering the Government of the Island of St. Vincent and its Dependencies, the Council, and Assembly of the same, That if the Honourable JOHN PETERSON, the present Chief Justice, shall retire from the said Office and cease to be Chief Justice of this Island of St. Vincent and its Dependencies, there shall be paid to his successor, as Chief Justice of this Island and its Dependencies, and to all future Chief Justices, by the Treasurer of this Island, the annual Stipend or Salary of Eight Hundred Pounds sterling, in four equal quarterly payments of Two Hundred Pounds sterling each, and at the like rate for any period of time less than a quarter of a year; such Stipend or Salary to be payable clear of all taxes, rates, and assessments whatsoever: *Provided always*, That the person so to be appointed Chief Justice shall be either an English or Irish Barrister, or Scotch Advocate, of not less than seven years' standing, and who shall have been in actual practice for the seven years next preceding the date of his appointment as Chief Justice; or shall be a Member of the Bar in one of Her Majesty's Colonies or Plantations duly admitted there, being a Member of one of the Inns of Court in Great Britain or Ireland, and having filled the office of Her Majesty's Attorney-General in some one of such Colonies or Plantations for a period of not less than seven years next preceding the date of his appointment as Chief Justice of this Colony.

No. 71.

An Act to repeal certain Duties of Customs laid and imposed by an Act of the Imperial Parliament, intituled "An Act to regulate the Trade of the British Possessions abroad," so far as the Island of St. Vincent is concerned.

[27th February, 1847.]

WHEREAS, by an Act passed in the Session of Parliament holden in the eighth and ninth years of the reign of Her present Majesty, intituled "An Act to regulate the Trade of the British Possessions abroad," certain Duties of Customs, set forth in a certain Table in the said Act contained, are imposed upon the importation into any of the British Possessions in America of the several articles therein mentioned, not being the growth, produce, or manu-

facture of the United Kingdom or of the British Possessions therein enumerated, and a certain duty of Ten Pounds for every One Hundred Pounds of the value thereof is imposed upon the importation thereinto of certain Sugar, refined in Bond in the United Kingdom; *And whereas* by the said in part recited Act, it is declared that all laws, by-laws, usages, or customs which shall be in practice in any of the British Possessions in America which are in anywise repugnant to the said Act, or to any Act of Parliament made or to be made in the United Kingdom, so far as such Act shall relate to and mention the said Possessions, are and shall be null and void, to all intents and purposes whatsoever; *And whereas*, by an Act passed in the Imperial Parliament in the Session holden in the ninth and tenth years of the reign of Her present Majesty, intituled "An Act to enable the Legislatures of "certain British Possessions to reduce or repeal certain Duties of Customs," after reciting as or to the effect hereinbefore recited, and reciting that it is expedient to enable the Legislatures or other proper legislative authorities in the said British Possessions, with the assent of Her Majesty in Council, to reduce or repeal all or any of such Duties of Customs as aforesaid, so far as the same may be in force in such Possessions respectively, *It is enacted*, That if and whenever the Legislature or other proper Legislative authority of any of the said British Possessions in America or the Mauritius make or pass any Act or Ordinance, Acts or Ordinances reducing or repealing all or any of the said Duties of Customs so imposed as aforesaid by the said therein recited Act upon any articles imported into such possession, and if Her Majesty, by and with the advice of her Privy Council, assent to such Act or Ordinance, Acts or Ordinances, such Duties of Customs shall, upon the proclamation of such assent in the Colony or at any time thereafter which may be fixed by such Act or Ordinance, be so reduced or repealed in such possession as if such reduction or repeal had been effected by an Act or Acts of the Imperial Legislature, anything in any Act to the contrary thereof notwithstanding: *And whereas* the said Island of St. Vincent is one of the said British Possessions in America in which the said recited Act imposing the said Duties of Customs is in force, and it is deemed advisable by the Legislature thereof to repeal the same, so far as the said Island of St. Vincent is concerned; *Be it therefore enacted* by the Lieutenant-Governor, Council, and Assembly of this Your Majesty's Island of St. Vincent and its Dependencies, that from and immediately upon the Proclamation in this Colony of the assent of Her Majesty in Council to this present Act, so much and all such part and parts of the said recited Act of the Imperial Parliament, intituled "An Act to regulate the Trade of the British Possessions abroad," as imposes or lays, impose or lay any Duty or Duties of Customs upon the importation into this Island of St. Vincent of any articles of Merchandise whatever, whether enumerated in the said Act or in the Table in the said Act contained, or otherwise, shall be and the same is and are hereby repealed.

No. 71.
27th February, 1847.

CL. I.

No. 72.

An Act to grant a further Sum of Money for completing the Market House and improving the Market Place in the Town of Kingstown.

[31st March, 1847.]

WHEREAS by an Act published the second day of October, in the year of our Lord one thousand eight hundred and forty-four, intituled "An Act for enlarging the Market House and improving the Market Place in the Town of Kingstown," the sum of Four Hundred Pounds was granted for the above purpose, by way of loan to be repaid by the Townwardens of the said Town into the Public Treasury by annual payments, as therein mentioned; *And whereas* the necessary buildings have been considerably advanced, and a further sum is necessary to complete the same; *Be it enacted* by the Lieutenant-Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, That a further sum of Four Hundred Pounds be paid to the

Preamble.

CL. I.
Granting 400l. to
Townwardens of
Kingstown.

144 *To amend Act of 1830 relating to Administration of Criminal Justice.*

No. 72.
31st March, 1847.

CL. II.
[Had effect]
CL. III.
Securing repayment
of said sum to the
Public.

Proviso.
Declaring said sum of
400*l.* lien on the Town
Funds.

Townwardens of the said town, or a majority of them, for the purposes of the said Act.

* * * * *

That the said sum of Four Hundred Pounds shall be repaid by the Townwardens of the said town, for the time being, into the Public Treasury of the Island, by annual payments of One Hundred Pounds, the first payment to be made on the first day of January in the year of our Lord one thousand eight hundred and forty-nine, and on the first day of January in each succeeding year, until full repayment shall have been made: *Provided always*, That the said annual payment of One Hundred Pounds, when due and payable, shall be made by the Townwardens of the said town prior and preferent to all other claims and demands upon them; and the said sum of Four Hundred Pounds shall be and remain, until repaid, a lien and charge upon all property and effects vested in the Townwardens of Kingstown, for the time being, for the use of the Public.

No. 73.

An Act further to alter and amend an Act, entitled "An Act to extend Parts of certain Acts of the Imperial Parliament to these Islands, for the Administration of Criminal Justice."

[20th December, 1847.]

WHEREAS it is necessary further to alter and amend an Act of this Island, bearing date the ninth day of December, in the year of our Lord one thousand eight hundred and thirty, intituled "An Act to extend Parts of certain Acts of the Imperial Parliament to these Islands, for the Administration of "Criminal Justice," so far as relates to any person who shall rob any other person of any chattel, money, or valuable security; or who shall steal any such property from the person of another, or shall assault any other person with intent to rob him; or shall, with menaces or by force, demand any such property of any other person, with intent to steal the same; and so much of the same Act as relates to any person who shall accuse, or threaten to accuse any other person of any infamous crime, with a view or intent to extort or gain from him, and shall by intimidating him by such accusation or threat extort or gain from him any chattel, money, or valuable security; or who shall break and enter any church or chapel and steal therein any chattel, or, having stolen any chattel in any church or chapel, shall break out of the same; or who shall break or enter any dwelling-house, and steal therein any chattel, money, or valuable security to any value whatever; or shall steal any such property to any value whatever in any dwelling-house, any person therein being put in fear; or shall steal in any dwelling-house any chattel, money, or valuable security to the value in the whole of Six Pounds current money or more; or shall break and enter any shop, warehouse, or counting-house, and steal therein any chattel, money, or valuable security; or shall break and enter any building, and steal therein any chattel, money, or valuable security, such building being within the curtilage of the dwelling-house; or shall steal any goods or merchandise in any vessel, barge, or boat of any description whatsoever in any port of entry or discharge, or in any creek belonging to or communicating with any such port or river; or shall steal any goods or merchandise from any dock, wharf, or quay, adjacent to any such port, river, or creek; or shall plunder or steal any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandise, or articles of any kind belonging to such ship or vessel; or shall steal any horse, mare, gelding, colt, filly, ass, or mule, or any bull, cow, ox, heifer, or calf, or any ram, ewe, sheep, or lamb; or shall wilfully kill any of such cattle, with intent to steal the carcass or skin or any part of the cattle so killed; or shall unlawfully and maliciously set fire to any church or chapel, or to any chapel for the religious worship of persons Dissenting from the United Church of England and Ireland; or shall unlaw-

*See note
p. 110
Act. 33.*

Repeal of sundry
Clauses of Act passed
9th December, 1830.

fully and maliciously set fire to any house, stable, coach-house, outhouse, warehouse, office, shop, mill, or to any building or erection used in carrying on any trade or manufacture or any branch thereof; or shall unlawfully and maliciously set fire to, or in anywise destroy any ship or vessel, or shall unlawfully or maliciously set fire to, cast away, or in anywise destroy any ship or vessel with intent thereby to prejudice any of the parties therein mentioned; or shall exhibit any false light or signal, with the intent to bring any ship or vessel into danger; or shall unlawfully and maliciously do anything tending to the immediate loss or destruction of any ship or vessel in distress, or destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandise, or articles of any kind, belonging to such ship or vessel; or shall by force prevent or impede any person endeavouring to save his life from such ship or vessel; or shall unlawfully and maliciously kill, maim, or wound any cattle; and so much of the said Act as relates to the punishment of Principals in the second degree and of Accessories before and after the fact respectively to such of the Felonies punishable under the said Act as are hereinbefore referred to.

Be it therefore enacted by the Officer administering the Government of the Island of St. Vincent and the Dependencies thereof, the Council and Assembly of the same, that so much of the said Act as is hereinbefore referred to shall, from and after the commencement of this Act, be repealed, except as to offences committed before such time, which shall be dealt with and punished as if this Act had not been passed.

That whosoever shall rob any person, and at the time of or immediately before or immediately after such robbery, shall stab, cut, or wound any person, shall be guilty of Felony, and being convicted thereof shall suffer death.

That whosoever shall, being armed with any offensive weapon or instrument, rob, or assault with intent to rob any person; or shall, together with one or more person or persons, rob or assault, with intent to rob any person; or shall rob any person, and at the time of or immediately before or immediately after such robbery, beat, strike, or use any other personal violence to any person, shall be guilty of Felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of his or her natural life, or for any term not less than fifteen years; or to be imprisoned for any term not exceeding three years.

That whosoever shall accuse or threaten to accuse any person of the abominable crime of Buggery, committed either with mankind or with beast, or of any assault with intent to commit the said crime, or of any attempt or endeavour to commit the said abominable crime, or of making or offering any solicitation, persuasion, promise, or threat to any person whereby to move or induce such person to commit or permit the said abominable crime, with a view or intent in any of the cases aforesaid to extort or gain from such person, and shall, by intimidating such person by such accusation or threat, extort or gain from such person any property, shall be guilty of Felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of his or her natural life, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

That whosoever shall rob any person, or shall steal any property from the person of another, shall be liable, at the discretion of the Court, to be transported beyond the seas for any term not exceeding fifteen years nor less than ten years, or to be imprisoned for any term not exceeding three years.

That whosoever shall assault any person with intent to rob shall be guilty of Felony, and being convicted thereof, shall (save and except in the cases where a greater punishment is provided by this Act) be liable to be imprisoned for any period not exceeding three years.

That whosoever shall, with menaces or by threat or force, demand any property of any person with intent to steal the same, shall be guilty of Felony, and being convicted thereof, shall be liable to be imprisoned for any period not exceeding three years.

CL. I.
[Repeals Clauses in Act of 9th December, 1830.]

CL. II.
Robbery attended with cutting.

CL. III.
Robbery attended with violence.

CL. IV.
Obtaining property by threat of accusing of Unnatural Crime.

CL. V.
Robbing or stealing from the person.

CL. VI.
Assault with intent to rob.

CL. VII.
Demanding property with menaces.

No. 73.
20th December, 1847.

CL. VIII.
Sacrilege.

That if any person shall break and enter any Church or Chapel, and steal therein any chattel, or having stolen any chattel in any church or chapel shall break out of the same, every such offender, being convicted thereof, shall be liable to be transported beyond the seas for any term not exceeding fifteen years, nor less than ten years, or to be imprisoned for any term not exceeding three years.

CL. IX.
House-breaking;
shop-breaking.

That if any person shall break and enter any Dwelling-house and steal therein any chattel, money, or valuable security to any value whatsoever; or shall steal in any dwelling-house any chattel, money, or valuable security, to the value of Five Pounds or more; or shall break and enter any shop, warehouse, or counting-house, and steal therein any chattel, money, or valuable security, every such person, on conviction, shall be liable to any of the punishments which the Court may award, as hereinbefore last mentioned.

CL. X.
Stealing in a Dwelling-
house, some person
therein being put in
fear.

That whosoever shall steal any property in any Dwelling-house, and shall by any menace or threat put any one being therein in bodily fear, shall be guilty of Felony, and being convicted thereof, shall be liable to be transported beyond the seas for any term not exceeding fifteen years nor less than ten years, or to be imprisoned, for any term not exceeding three years.

CL. XI.
Breaking and enter-
ing within a Curtilage
and stealing therein.

That if any person shall break and enter any building and steal therein any chattel, money, or valuable security, such building being within the Curtilage of a dwelling-house and occupied therewith but not being part thereof, according to the provisions in the said recited Act mentioned, every such offender being convicted thereof, either upon an indictment for the said offence or upon an indictment for burglary, house-breaking, or stealing to the value of Five Pounds in a dwelling-house, containing a separate count for each offence, shall be liable, at the discretion of the Court, to be transported beyond the seas for any term not exceeding fifteen years nor less than ten years, or to be imprisoned for any term not exceeding three years.

CL. XII.
Stealing from Vessels
or Docks.

That if any person shall steal any goods or merchandise in any Vessel, barge, or boat, of any description whatsoever, in any Port of entry or discharge, or in any creek belonging to or communicating with any such port; or shall steal any goods or merchandise from any Dock, wharf, or quay adjacent to any such port or creek, or shall plunder or steal any part of any ship or vessel which shall be in distress or wrecked, stranded or cast on shore, or any goods, merchandise, or articles of any kind belonging to such ship or vessel, every such person, on conviction, shall be liable to any of the punishments which the Court may award, as hereinbefore last mentioned.

CL. XIII.
Stealing horse, cow,
sheep, &c.

That if any person shall steal any horse, mare, gelding, colt, filly, ass, or mule, or any bull, cow, ox, heifer, or calf, or any ram, sheep, ewe, or lamb; or shall wilfully kill any such cattle with intent to steal the carcass or skin, or any part of the cattle so killed, every such person so convicted shall be liable to be transported beyond the seas for any term not exceeding fifteen years nor less than ten years, or to be imprisoned for any term not exceeding three years.

CL. XIV.
Setting fire to any
Church, building, or
vessel.

That whosoever shall unlawfully and maliciously set fire to any Church or Chapel, or to any chapel for the religious worship of persons Dissenting from the United Church of England and Ireland; or shall unlawfully and maliciously set fire to any house, stable, coach-house, outhouse, warehouse, office, shop, mill, or to any building or erection used in carrying on any trade or manufacture, or any branch thereof; or shall unlawfully and maliciously set fire to any megass-house, hovel, shed, or fold, or any building or erection used in farming land; or shall unlawfully and maliciously set fire to or in anywise destroy any ship or vessel, whether the same be complete or in an unfinished state, or shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any ship or vessel, with intent thereby to prejudice any owner or part-owner of such ship or vessel, or of any goods on board the same, or any person that hath underwritten or shall underwrite any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board the same, shall be guilty of Felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of the natural life of

such offender, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

That whosoever shall unlawfully and maliciously set fire to any stack or large heap of straw, trash, mill-trash, megass, cane-tops, corn-stalks, fodder, or wood; or shall unlawfully and maliciously set fire to any crop or field of canes or corn, whether standing or cut down; or to any part of a wood, or plantation of trees; or to any field of grass wheresoever the same may be growing; or to any vegetable produce being in any house or building belonging to a farm, or to any implement of husbandry being in any house or building, with intent thereby to set fire to such house or building, with intent thereby to injure or defraud any person, shall be guilty of Felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of the natural life of such offender, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

That every male person, under the age of eighteen years, who shall be convicted of any offence under the last hereinbefore mentioned clause, shall be liable, at the discretion of the Court before which he shall be convicted, in addition to any other sentence which may be passed upon him, to be publicly or privately whipped, in such manner and as often, not exceeding thrice, as the Court shall direct.

That whosoever shall unlawfully exhibit any false light or signal with intent to bring any ship or vessel into danger, or shall unlawfully or maliciously do anything tending to the immediate loss or destruction of any ship or vessel in distress, shall be guilty of a Felony, and being convicted thereof shall suffer death.

That whosoever shall unlawfully and maliciously destroy any part of any ship or vessel which shall be in distress, wrecked, stranded, or cast on shore, or any goods, merchandise, or articles of any kind belonging to such ship or vessel, shall be guilty of Felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for any term not exceeding fifteen years nor less than ten years, or to be imprisoned for any term not exceeding three years.

That whosoever shall, by force, prevent or impede any person endeavouring to save his life from any ship or vessel which shall be in distress, wrecked, stranded, or cast on shore, whether he shall be on board or shall have quitted the same, shall be guilty of Felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of the natural life of such offender, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

That if any person shall unlawfully and maliciously kill, maim, or wound any cattle, every such person shall be guilty of Felony, and being convicted thereof, shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned.

That whosoever shall burglariously break and enter any dwelling-house, and shall assault with intent to murder any person being therein; or shall stab, cut, wound, beat, or strike any such person, shall be guilty of Felony, and being convicted thereof, shall suffer death.

That whosoever shall be convicted of the crime of Burglary shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of the natural life of such offender, or for any term not less than ten years, or to be imprisoned for any term not exceeding three years.

That, so far as the same is essential to the offence of Burglary, the night shall be considered, and is hereby declared, to commence at seven of the clock in the evening of each day, and to conclude at five of the clock in the morning of the next succeeding day.

That whosoever shall unlawfully and maliciously send, or deliver to, or cause to be taken or received by any person any explosive substance, or any other dangerous or noxious thing; or shall cast or throw upon, or otherwise apply to any person any corrosive fluid or other destructive matter with intent, in any of the cases aforesaid, to burn, maim, disfigure, or disable any person, or to do some other grievous bodily harm to any person; and

No. 73.
20th December, 1847.

CL. XV.
Setting fire to heaps of straw, megass, canes, &c.

CL. XVI.
Males under eighteen years of age may be whipped in addition to any other sentence.

CL. XVII.
Exhibiting false signal to ships.

CL. XVIII.
Destroying parts of ships.

CL. XIX.
Impeding persons endeavouring to escape from wrecks.

CL. XX.
Killing, maiming, or wounding cattle.

CL. XXI.
Burglars using violence to suffer death.

CL. XXII.
Punishment of Burglary.

CL. XXIII.
Between what hours the breaking into a house is to be considered as Burglary.

CL. XXIV.
Injuries to the Person by use of corrosive or other destructive fluid or matter.

No. 73.
20th December, 1847.

whereby, in any of the cases aforesaid, any person shall be burnt, maimed, disfigured, or disabled, or receive some other grievous bodily harm, shall be guilty of Felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of his or her natural life, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

CL. XXV.
Felonies or Misdemeanours committed within three miles of the Land to be tried as offences committed on the Land.

That when any offence shall be committed within the jurisdiction of the Admiralty of England, and within three miles of the Main or Head Land of this Island or of any of the Dependencies within this Government, which by the laws now in force in this Island would be punishable as a Felony or Misdemeanour if committed on Land, the same may be inquired of, dealt with, and tried and determined as any other Felony or Misdemeanour committed within the body of this Island; and it shall be a sufficient *venue* in any Indictment for any such offence to state the same in the margin thereof as usual in Indictments for offences committed on the Land; and it shall not be necessary to state any special *venue* in the body of any Indictment for any such offence.

Venue in Indictment for such offences.

CL. XXVI.
Punishment of Accessories.

That in the case of every Felony punishable under this Act every Principal in the second degree, and every Accessory before the fact shall be punishable with death, or otherwise, in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any Felony punishable under this Act (except only a Receiver of Stolen property) shall on conviction be liable to be imprisoned for any term not exceeding two years.

CL. XXVII.
When the crime charged includes an Assault, the Jury may acquit of the Felony and find the party guilty of an Assault.

That on the trial of any person for any of the offences hereinbefore mentioned, or for any Felony whatever where the crime charged shall include an Assault against the person, it shall be lawful for the Jury to acquit of the Felony, and to find a verdict of guilty of Assault against the person indicted, if the evidence shall warrant such finding; and when such verdict shall be found, the Court shall have power to imprison the person so found guilty of an Assault, for any term not exceeding three years.

CL. XXVIII.
Offenders punishable by imprisonment may be punished with Hard Labour and Solitary Confinement in addition thereto.

That when any person shall be convicted of any offence punishable under any Act or Statute in force in this Island for which imprisonment may be awarded by the Court of Grand Sessions of the Peace, it shall be lawful for the said Court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour in the Common Gaol or elsewhere, as the Officer administering the Government shall appoint; and also to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, or of such imprisonment with hard labour, not exceeding one month at any one time and not exceeding three months in any one year, as to the Court in its discretion shall seem meet.

CL. XXIX.
The word "Property" defined.

That the word "Property" shall throughout this Act be deemed to denote everything included under the words, "Chattels, Money, or valuable Security," used in the said hereinbefore recited Act, of the ninth day of December, in the year of our Lord one thousand eight hundred and thirty.

CL. XXX.
Interpretation Clause.

That wherever this Statute, in describing or referring to any offence, or the subject-matter on or with respect to which it shall be committed, or the offender or the party affected or intended to be affected by the offence, hath used words importing the singular number or the masculine gender only, yet the same shall be understood to include several matters as well as one matter, and several persons as well as one person; and females as well as males; and public bodies as well as individuals; unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

CL. XXXI.
Commencement of Act.

That this Act shall commence and come into operation on the first day of January, in the year of our Lord one thousand eight hundred and forty-eight, or as soon after as the Officer administering the Government shall notify by Proclamation under his hand and seal in the 'Royal St. Vincent Gazette,' that this Act hath been assented to.

No. 74.

An Act to provide that all Moneys to be paid for the General Purposes of the Government of the Island of St. Vincent and its Dependencies shall be paid by virtue of the Warrant of the Officer administering the said Government, and not otherwise. [4th February, 1848.]

Preamble.

WHEREAS an Act, passed on the thirty-first day of March, in the year of our Lord one thousand eight hundred and forty-seven, and intituled "An Act " to provide a Salary for a Clerk and Schoolmaster at Buccament Chapel ;" and an Act, passed the thirty-first day of March, one thousand eight hundred and forty-seven, and intituled " An Act to grant a further Sum of Money for " completing the Market House, and improving the Market Place in the " Town of Kingstown," have been suspended in their operation because it is not provided in each of them that the sums of money to be disbursed under the authority of each of them shall be paid under the Warrant of the Officer administering the said Government; *And whereas* it is deemed advisable that a general and express provision be made, in a separate and distinct Act, that all Public Moneys shall be paid by the Warrant of the Officer administering the said Government, and not otherwise; *Be it enacted* by the Officer administering the Government, the Council, and Assembly of the said Island of St. Vincent and its Dependencies, that from and after the due publication of this Act, all Moneys whatever directed to be paid, whether by Act, Vote, or Resolution, to any person whomsoever or on any account whatsoever, for the general or other specific purposes of the said Government, or in any manner out of the Moneys raised within the said Government, or paid by virtue of any Act into the Treasury of the said Island for the uses of the said Government, shall be paid by the Treasurer of the said Island and its Dependencies or his lawful Deputy by virtue of a Warrant directed to him or his lawful Deputy, and under the hand of the Officer administering the said Government for the time being, and not otherwise.

CL. I.
All Moneys to be paid by Warrant under the hand of the Officer administering the Government, and not otherwise.

No. 75.

An Act to repeal an Act, intituled " An Act to settle and fix particular " periods or Quarterly Sessions for the Meeting of the Legislative " Body of this Government," and to make other Provisions in lieu thereof. [12th June, 1848.]

Preamble.

WHEREAS by a certain Act of this Island, published the fifteenth day of September, in the year of our Lord one thousand seven hundred and ninety-two, intituled " An Act to settle and fix particular periods or Quarterly " Sessions for the Meeting of the Legislative Body of this Government," it was amongst other things enacted that the Legislative Body should meet Quarterly, or have four Sessions in the year for the discussion of the public business of this Colony; *And whereas*, doubts having arisen as to the true meaning of the word Sessions in the said recited Act, it hath been deemed expedient to repeal the whole of the said recited Act, and to make other provisions in lieu thereof; *Be it therefore enacted* by his Excellency Sir JOHN CAMPBELL, Bart., the Lieutenant-Governor of this Island, the Council, and Assembly of the same, That the said recited Act of the fifteenth day of September, one thousand seven hundred and ninety-two, shall be and the same is hereby repealed.

CL. I.
Repeals Act of 15th September, 1792.

That the Legislature of this Island, until prorogued or dissolved by order of Her Majesty or her successors, or the Officer administering the Government for the time being, shall meet on the first Tuesday in the months of March, June, and September, in the present year, and in every subsequent year on the first Tuesday in the months of January, April, July, and October, and shall continue sitting from day to day for the dispatch of public business, except as hereinafter mentioned, until adjourned by the

CL. II.
Meetings of the Legislature to be held Quarterly.

No. 75.
12th June, 1848.

Lieutenant-Governor or Officer administering the Government for the time being; and any Bill, Motion, Resolution, matter or thing, pending and undetermined before such Legislature, at the end of any such Quarterly Meeting, shall and may be resumed and continued at any subsequent Quarterly Meetings in the same year, and pass through the necessary stages thereof respectively, notwithstanding the same Bill, Motion, Resolution, matter or thing may not have been completed at the end of any previous Quarterly Meeting: *Provided always*, that nothing herein contained shall extend the duration of the Legislature beyond the period already fixed by Law; *And provided also*, That no Bill, Motion, Resolution, or other matter or proceeding pending before either Branch of the Legislature in any one Quarterly Meeting, and thrown out or rejected in any one such Quarterly Meeting, shall again be introduced into that Branch of the Legislature in which the same was thrown out or rejected, but that the same shall and may be again introduced at any subsequent Quarterly Meeting.

CL. III.
Legislative Sessions to close in December in every year.

That the Legislative Sessions shall close on the thirty-first day of December in every year, and if any Bill, Motion, Resolution, matter or thing, shall then remain undetermined, any such Bill, Motion, Resolution, matter or thing shall, if necessary, be brought forward *de novo* at any subsequent sitting of the Legislature.

CL. IV.
Power of adjournment.

That the President of the Council and the Speaker of the House of Assembly for the time being shall be empowered respectively to adjourn the Meetings of the Council and Assembly respectively from day to day (or for any period not exceeding fourteen days), notwithstanding there may not be a sufficient number of Members present to form a Council or House of Assembly: *Provided always*, That the adjournment of one Branch of the Legislature by virtue of its own authority, under the provisions of this Act, shall not interfere with or prevent the other Branch of the Legislature from continuing its sitting and proceeding with the public business, but that it shall and may be lawful for either Branch of the Legislature to meet or continue its sitting, notwithstanding the other Branch of the Legislature may be under adjournment as aforesaid.

CL. V.
Power to Officer administering the Government to call meetings of the Legislature.

Provided always, That nothing in this Act contained shall be construed as preventing the Governor, Commander-in-Chief, or Officer administering the Government for the time being, from calling the other two Branches of the Legislature together at any time when the state of the public business on any emergency renders it necessary to do so, and in any such case it shall and may be lawful for the Legislature to resume the consideration of any Bill, Motion, Resolution, matter or thing, pending and undetermined before it at the last preceding Meeting, and the same shall be forwarded at that or any subsequent Meeting in the same year in their respective stages as occasion may require, except as aforesaid.

CL. VI.
Bills, &c., pending shall be within the provisions of this Act.

And be it enacted, That any Bill, Motion, Resolution, matter or thing, pending and undetermined before the Legislature at the end of the Quarterly Meeting of the Legislature immediately preceding the commencement of this Act shall be within the provision of this Act, and may be forwarded in their respective stages accordingly, any law, usage, or custom to the contrary in anywise notwithstanding.

CL. VII.
Saving the rights and privileges of Her Majesty.

Provided always, That nothing in this Act contained shall be taken or construed to interfere with the rights and privileges of Her Majesty and her successors.

CL. VIII.
Commencement of Act.

And be it enacted, That this Act shall commence and come into operation on the first day of March, in the year of our Lord one thousand eight hundred and forty-eight, or as soon after as the Officer administering the Government shall notify in the 'Royal St. Vincent Gazette' that this Act hath been assented to.

No. 76.

An Act for laying a Tonnage Duty on Vessels arriving within the Government of the Island of St. Vincent, and for repealing certain Acts therein mentioned.
[12th June, 1848.]

WHEREAS Her Majesty's Government contemplate a reduction of the Customs' Establishment in the Island of St. Vincent in consequence of the repeal of the Duties of Customs heretofore collected under the provisions of the Imperial Act of the eighth and ninth Victoria, chapter ninety-three, whereby an alteration is rendered necessary in the collection of the Tonnage Duties levied within the Government of the said Island, and also a repeal of certain Acts hereinafter particularly mentioned: *Be it therefore enacted* by his Excellency the Lieutenant-Governor, the Council, and Assembly of the Island of St. Vincent and its Dependencies, that this present Act shall come into operation immediately after his Excellency the Lieutenant-Governor shall have assented thereto and shall cause notice to appear in the 'Royal Gazette' of the said Island that the said contemplated reduction in the Customs' Establishment has taken place, and two Acts of the Legislature, the one, entitled "An Act for laying a Tonnage Duty on Vessels arriving within this Government, and to repeal the Act commonly called 'the Powder Duty Act,'" and the other, entitled "An Act for laying a Tax of Gunpowder on all Vessels trading to and from these Islands," shall at the same time be repealed.

CL. I.
Repeals former Acts.

That from the period this Act comes into operation, the Master or Commander of every ship or vessel arriving within the Government of the said Island of St. Vincent shall each and every time, upon being admitted to an Entry inwards at the Treasurer's Office, pay to the Treasurer a Duty of One Shilling and Sixpence per Ton on the registered tonnage of such ship or vessel: *Provided always*, That vessels under sixty tons burthen shall only be liable to the payment of the said Tonnage Duty once in each year.

CL. II.
[Masters of, to pay
1s. 6d. per Ton Duty.]

That it shall not be lawful for the Treasurer to grant a Permit to land any goods, wares, or merchandise from any ship or vessel so admitted to an Entry as aforesaid until the said Treasurer shall have received the Tonnage Duty due and payable in respect of such ship or vessel.

CL. III.
[Tonnage Duty to be
paid before Permit
granted for landing
goods.]

No. 77.

An Act to facilitate the Apprehension of certain Offenders escaping to the Colony of the Island of St. Vincent and its Dependencies from any Place within the Territory or Dominions of the Republic of Venezuela, in order that such Offenders may be delivered up to Justice.

[12th March, 1850.]

WHEREAS persons who have committed crimes within the territories or dominions of the Republic of Venezuela may escape to the Colony of the Island of St. Vincent and its Dependencies, and it is expedient to provide for the Apprehension of certain of such Offenders who may so escape, in order that they may be sent back to the territory or place where such crimes may have been committed, there to be dealt with according to Law: *Be it therefore enacted* by the Officer administering the Government, the Council, and General Assembly of the said Island and Government of St. Vincent and its Dependencies, That in case requisition shall at any time be made by the Government of the said Republic of Venezuela to deliver up to Justice any person who, being charged with the crime of murder, or of an attempt to commit murder, or of arson, or of rape, or of robbery, or of forgery, or of the utterance of any forged security for money, committed within the jurisdiction of the said Republic of Venezuela, shall be found within the said Government, it shall be lawful for the Officer administering the said Government, if he shall think fit but not otherwise, by Warrant

Preamble.

CL. I.
Persons guilty of certain offences committed in the territories of Venezuela, and escaping to the Island of St. Vincent may be apprehended, on requisition of the Venezuelan Government.

No. 77.
12th March, 1850.

under his hand and seal, to signify that such requisition has been so made, and to require all Justices of the Peace and other Magistrates and Officers of Justice, within their several and respective jurisdictions, to govern themselves accordingly, and to aid in apprehending the person so accused and committing such person to Gaol, for the purpose of being delivered up to Justice; and thereupon it shall be lawful for any Justice of the Peace or Magistrate within the said Government to examine upon Oath any person touching the truth of such charge, and upon such evidence as, according to the Law in force within the said Government, would justify the Apprehension and Committal for Trial of the person so charged, if the crime or offence with which he or she shall be so charged had been committed within the said Government, to issue his Warrant for the Apprehension of such person, and also to commit such person to Gaol, there to remain until delivered pursuant to such requisition as aforesaid.

CL. II.
Copies of depositions taken in Venezuela, to be received as evidence in this Government.

Provided always, That in every such case copies of the depositions upon which the original Warrant for the apprehension of the Offender issued by the Magistrate, or other authority in Venezuela was granted, certified under the hand and seal of office of the Officer of the said Republic making such requisition, may be received in evidence of the criminality of the person so apprehended.

CL. III.
Such offenders when apprehended may be delivered up to Officers appointed by the Government of Venezuela, and escaping, may be retaken in this Government.

And be it enacted, That upon the certificate of such Justice of the Peace or Magistrate that such supposed Offender has been so committed to Gaol, it shall be lawful for the Officer administering the said Government, by Warrant under his hand and seal, to order the person so committed to be delivered to such person as shall be authorized by any Warrant, under the hand of the Officer of the said Republic making such requisition as aforesaid, to receive the person so committed, and to convey such person to the place where the crime or offence with which such person is charged was committed, there to be tried for such crime or offence, and such person shall be delivered up accordingly; and it shall be lawful for the person authorized as aforesaid to hold such person in custody, and take him to the place where such crime or offence was committed; and if the person so accused shall escape out of any custody to which he shall be committed or to which he shall be delivered as aforesaid, it shall be lawful to retake such person, in the same manner as any person accused of any Felony committed within the said Government may be retaken upon an escape.

CL. IV.
Offenders not delivered up within three months after apprehension, may be discharged.

That where any person who shall have been committed under this Act, to remain until delivered up pursuant to requisition as aforesaid, shall not be delivered up pursuant thereto and conveyed out of the said Government within three calendar months after such committal, it shall in every such case be lawful for the Supreme Court of Judicature of the Island of St. Vincent, or any Justice thereof, upon application made to them or him by or on behalf of the person so committed, and upon proof made to them or him that reasonable notice of the intention to make such application has been given to the Attorney-General, to order the person so committed to be discharged out of custody, unless sufficient cause shall be shown to such Court or any Justice thereof why such discharge ought not to be ordered.

CL. V.
Act to take effect when similar concessions have been made by a law of Venezuela, to the satisfaction of the Officer administering the Government.

That this Act shall commence and take effect when and so soon as the Officer administering the said Government shall, by Proclamation under his hand and the public seal of the said Government, declare and proclaim that the Legislature of the said Republic of Venezuela hath made sufficient provision by Law for the Apprehension of Offenders escaping to any place within the territories or dominions of the said Republic who may be charged with having committed within the said Government any of the crimes or offences hereinbefore mentioned.

No. 78.

An Act to repeal the second Clause of an Act, entitled "An Act for regulating the Proceedings at Elections of Members to serve in the General Assembly of the Island and Government of St. Vincent and its Dependencies, for determining the Qualifications of Members and Electors, and for repealing the Act of the said Island therein mentioned," and to make other Provisions in lieu thereof.

[12th March, 1850.]

WHEREAS, by the second Clause of an Act of the Island of St. Vincent and its Dependencies, published the thirtieth day of November, one thousand eight hundred and forty-three, and entitled "An Act for regulating the Proceedings at Election of Members to serve in the General Assembly of the Island and Government of St. Vincent and its Dependencies, for determining the qualification of Members and Electors, and for repealing the Act of the said Island therein mentioned," it is, amongst other things, enacted that there shall be twenty-five Representatives returned to serve in the General Assembly of this Island and Government, of which twenty-five Members thirteen shall be competent to form a House, to pass any Bill or Bills, and transact all other business whatsoever, as a General Assembly: And whereas the delay of public business by repeated adjournments for want of a sufficient number of Members renders it absolutely necessary that a diminution should take place in the number of Representatives, and the number of Members sufficient to form a House to transact business; Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly of St. Vincent and its Dependencies, that from and after the publication of this Act the second clause of the said Act, entitled "An Act for regulating the proceedings at Elections of Members to serve in the General Assembly of the Island and Government of St. Vincent and its Dependencies, for determining the Qualifications of Members and Electors, and for repealing the Act of the said Island therein mentioned," shall be, and the same is hereby repealed.

Preamble.

CL. I.

That in all future Assemblies for the said Island of St. Vincent and its Dependencies there shall be Nineteen Representatives, chosen and returned to serve in the General Assembly as hereinafter enumerated.

CL. II.
[Assembly to consist of 19 Members.]

That the said Nineteen Representatives shall be chosen and returned as follows:—

CL. III.
[Towns, &c., represented.]

Four for the town of Kingstown.

Two for that part of Charlotte parish called the Charaib Country.

Two for that part of Charlotte parish south of Byera river.

Four for the parish of St. George.

Two for the parish of St. Andrew.

Two for the parish of St. Patrick.

Two for the parish of St. David.

One for the Islands called the Grenadines, attached to and forming part of the Government of the said Island of St. Vincent.

* * * * *

CL. IV.
[Repealed by Act, No. 115.]

No. 79.

An Act for the Removal of Defects in the Administration of Criminal Justice.

[13th August, 1850.]

WHEREAS the technical strictness of Criminal Proceedings might in some instances be further relaxed, so as to ensure the punishment of the guilty without depriving the accused of any just means of defence.

And whereas it is expedient to make further provision for the more effectual prosecution of Accessories, before and after the fact, to Felony.

x

No. 79.
13th August, 1850.

CL. I.
Accessories before the fact to any Felony, may be punished in the same degree as the Principal.

CL. II.
Trial and conviction of Accessories after the fact.

CL. III.
As to additions of counts in Indictments for stealing and receiving stolen property.

CL. IV.
Court may cause Indictments to be amended in certain cases.

And whereas it is also expedient that any Accessory before the fact to Felony should be liable to be indicted, tried, convicted, and punished, in all respects, like the Principal. *Be it therefore enacted*, by the Officer administering the Government of the Island of St. Vincent and its Dependencies, the Council, and Assembly of the same, That from and after the passing of this Act, if any person shall become an Accessory before the fact to any Felony, whether the same be a Felony at Common Law or by virtue of any Act or Acts made or to be made, such person may be indicted, tried, convicted, and punished in all respects as if he were a Principal Felon.

And whereas an Accessory after the fact to Felony can at present be tried only along with the Principal Felon, or after the Principal Felon has been convicted, and not otherwise, which is sometimes productive of a failure of Justice; *Be it therefore enacted*, That from and after the passing of this Act, if any person should become an accessory after the fact to any Felony, whether the same be a Felony at Common Law, or by virtue of any Act or Acts made or to be made, he may be indicted and convicted, either as an accessory after the fact to the principal Felony, together with the Principal Felon, or after the conviction of the principal Felon; or may be indicted and convicted of a substantive Felony, whether the Principal Felon shall or shall not have been previously convicted, or shall or shall not be amenable to Justice, and may thereupon be punished in like manner as any Accessory after the fact to the same Felony if convicted as an accessory may be punished; and the offence of such person, howsoever indicted, may be inquired of, tried, determined, and punished by any Court which shall have jurisdiction to try the Principal Felon in the same manner as if the act by reason of which such person shall have become an Accessory had been committed at the same place as the principal Felony: *Provided always*, That no person who shall be once duly tried for any such offence, whether as an Accessory after the fact or as for a substantive Felony, shall be liable to be again indicted or tried for the same offence.

And whereas, according to the present practice of Courts of Criminal Jurisdiction, it is not permitted in an Indictment for stealing property to add a Count for receiving the same property knowing it to have been stolen; or in an Indictment for receiving stolen property knowing it to have been stolen to add a count for stealing the same property, and justice is hereby often defeated: *Be it therefore enacted*, That from and after the passing of this Act, in every Indictment for feloniously stealing property, it shall be lawful to add a Count for feloniously receiving the same property knowing it to have been stolen, and in any Indictment for feloniously receiving property knowing it to have been stolen it shall be lawful to add a count for feloniously stealing the same property; and where any such Indictment shall have been preferred and found against any person the prosecutor shall not be put to his election, but it shall be lawful for the Jury who shall try the same to find a verdict of guilty either of stealing the property or of receiving it, knowing it to have been stolen; and if such Indictment shall have been preferred and found against two or more persons, it shall be lawful for the Jury who shall try the same to find all or any of the said persons guilty either of stealing the property, or of receiving it knowing it to have been stolen; or to find one or more of the said persons guilty of stealing the property, and the other or others of them guilty of receiving it, knowing it to have been stolen.

And whereas a failure of Justice frequently takes place in Criminal Trials, by reason of variances between writings produced in evidence and the recital or setting forth thereof in the Indictment or Information, and the same cannot now be amended at the trial; for remedy thereof, *Be it enacted*, That it shall and may be lawful for any Court of Criminal Jurisdiction within the said Island of St. Vincent, if such Court shall see fit so to do, to cause the Indictment or Information for any offence whatever, when any variance or variances shall appear between any matter in writing or in print produced in evidence and the recital or setting forth thereof in the Indictment or Information whereon the trial is pending, to be forthwith amended in such particular or particulars by some Officer of the Court; and after

such amendment the trial shall proceed in the same manner in all respects, both with regard to the liability of witnesses to be indicted for perjury and otherwise, as if no such variance or variances had appeared.

That this Act may be amended or repealed by any Act to be passed in the present Session of the Legislature.

No. 79.
13th August, 1850.

CL. V.
Act may be amended or repealed.

No. 80.

An Act to alter and amend an Act, intituled "An Act against covenous and fraudulent Conveyances, and for establishing a Public Registry in the Island of St. Vincent."
[9th September, 1850.]

WHEREAS many of the provisions of an Act, intituled "An Act against covenous and fraudulent Conveyances, and for establishing a Public Registry in the Island of St. Vincent," passed in the year one thousand seven hundred and seventy-two, have become inconvenient by reason of the changes which have taken place in the said Island of St. Vincent, and in the administration of the Law there as well as elsewhere since the passing of the said Act; and it is expedient to alter and amend the said Act in manner herein-after mentioned, and to make such further provisions as hereinafter contained.

And whereas the hours fixed by the eleventh Clause of the said recited Act for the attendance of the Registrar at the Public Office have become inconvenient, and it is expedient to change the same; *Be it therefore enacted* by the Lieutenant-Governor, Council, and Assembly of the said Island of St. Vincent and its Dependencies, that so much of the said eleventh Clause of the said recited Act as fixes the times for the attendance of the Registrar or his Deputy at the Registrar's Office shall be and the same is hereby repealed; and that henceforth the said Registrar or his Deputy shall attend at the Registrar's Office, for the purposes in the said recited Act mentioned, from the hour of ten of the clock in the morning to four o'clock in the afternoon, under a penalty of Five Pounds for each neglect, to be sued for and be recovered in manner provided for in the case of other penalties imposed by the said recited Act.

CL. I.
Repealing part of 11th Clause of Registry Act of 1772, and fixing time for attendance of Registrar at his Office.

That the tenth Clause of the said recited Act shall be and the same is hereby repealed.

And whereas, in consequence of the wording of the thirteenth Clause of the said recited Act, it hath been the practice to refuse registration in the Registrar's Office to Letters of Attorney, unless the same contain an express power to acknowledge the signatures and seals of the party or parties executing the same, notwithstanding the execution and delivery of such Powers of Attorney are duly proved according to Law, and great delay and expense hath been thereby caused; for remedy whereof in future, *Be it enacted*, That the Registrar shall receive and register, pursuant to the provisions of the said recited Act, all Letters of Attorney duly proved according to the provisions of the said recited Act, notwithstanding the same may not contain an express authority to acknowledge before him the signatures and seals of the parties executing the same: *Provided always*, That nothing herein contained shall be construed as extending to authorize the Registrar to receive or register any Deed, Conveyance, or Instrument in writing by which any interest in any real estate shall pass, or be in any way charged or affected, until the same shall have been duly acknowledged according to the said recited Act or this present Act.

CL. II.
Repealing 10th Clause of said recited Act.
CL. III.
Registration of Powers of Attorney.

And whereas the provisions of the thirteenth Clause of the said recited Act are not sufficiently explicit in the case of Deeds executed by the Attorney of an absent person; *Be it therefore enacted*, That in all cases in which any Deed is or shall be duly executed, for and in the name of an absent person, by an Attorney duly authorized and empowered in that behalf by Letter of Attorney duly proved, lodged, and recorded in the said Registrar's Office, such Attorney shall have full power and authority to acknowledge the same

CL. IV.
Acknowledgment of Deeds by [Attorney of an] absent party.

No. 80.
9th September, 1850.

CL. V.
Proof of Deeds executed in a Foreign Country.

CL. VI.
Acknowledgment of Deeds after death of parties executing same.

CL. VII.
Priority of Deeds in relation to time of acknowledgment.

CL. VIII.
Fees of Registrar.

Deed before the Registrar, notwithstanding an express power to acknowledge Deeds may not be contained in the said Letter of Attorney.

And whereas great difficulty arises in proving Deeds requiring to be recorded in St. Vincent which are executed in Foreign parts, provision being made only in the said recited Act for the proof of Deeds in Her Majesty's Dominions; for remedy whereof, *Be it enacted*, That whenever any Deed requiring registration in the said Island of St. Vincent shall be executed in any Foreign Country or place out of Her Majesty's Dominions, an Affidavit or Declaration of one of the subscribing Witnesses thereto of the due execution of such Deed, sworn or declared before a Notary Public, or British Consul or Vice-Consul, and certified under the hand and seal of such Notary, Consul, or Vice-Consul, shall be deemed due proof of the execution thereof.

And whereas difficulties sometimes arise by reason of the death of a party executing a Deed and dying before registration thereof, the said recited Act requiring an acknowledgment of all Deeds before the Registrar by the party executing the same, either in person or by Attorney, which, in case of the death of the party, is rendered impracticable; for remedy whereof, *Be it enacted*, That in all cases in which any person shall have duly executed and delivered a Deed requiring registration in the said Island of St. Vincent, and shall depart this life before having acknowledged the same Deed before the Registrar, it shall be lawful for the Registrar to admit the said Deed to registration without acknowledgment: *Provided always*, That proof of the due execution and delivery of such Deed by such deceased person be made by Oath or Declaration of one of the subscribing Witnesses to such Deed before one of the Justices of the Supreme Court of Judicature of the said Island, if such witness shall be in the said Island; or before any Mayor or Chief Magistrate of any City or Town Corporate in Great Britain or Ireland, and certified under his hand and the seal of the said City or Town; or before the Governor or Lieutenant-Governor of any British Colony, and certified under his hand and seal; or before a Notary Public, or British Consul or Vice-Consul, if in any Foreign Possession, and certified under his hand and seal; *And provided also*, That proof of the death of the party so executing such Deed be also made by oath or declaration of a competent witness, and annexed to the said Deed, to be recorded therewith.

And whereas by the twelfth Clause of the said recited Act certain periods and times are allowed after the date of Deeds and Conveyances for their acknowledgment before the Registrar, and it is thereby provided that if such Deeds should be acknowledged within the times by the said recited Clause limited and prescribed the same shall be valid and effectual as if registered on the days of their respective dates; *And whereas* such provision may give rise to great difficulties and to fraud unless further provision be made in relation thereto; *Be it therefore enacted*, That every Deed or Conveyance, affecting or in anywise relating to real estate in the said Island of St. Vincent or its Dependencies which shall be acknowledged after the day on which the same is dated shall, as against all purchasers or incumbrancers of or upon the real estate comprised in or affected by such Deed or Conveyance, and who shall have become such purchasers or incumbrancers subsequently to the date of such Deed and prior to its acknowledgment and without notice thereof, be deemed valid and effectual and take effect only on and from the day on which it shall be acknowledged before the Registrar, but, as between the parties thereto, the same shall whenever acknowledged be valid and effectual and take effect from the date thereof.

And whereas the Fees of the said Registrar as fixed and settled by the said recited Act were so fixed and settled at a time when money then called Currency was the circulating medium in the said Island, and the Fees of the said Registrar are by the twenty-fifth Clause of the said recited Act made payable in Currency; *And whereas* Currency has, since the passing of the said Act, been abolished and Sterling money substituted in its place, *Be it therefore enacted*, That the said twenty-fifth Clause of the said recited Act shall be and the same is hereby repealed.

That for every writing brought to the Registrar's Office, of what kind soever, to be recorded, the Registrar may demand and have the following

Fees (that is to say): for every ninety-six words the sum of Seven Pence; and if it be a Deed personally acknowledged before him he shall also have, over and besides, the sum of Two Shillings, which is hereby settled for the attestation of the acknowledgment of each party before him as Registrar: and if the Deed happen to be a Foreign Deed, and not personally acknowledged before the Registrar, then the Registrar shall be entitled to Two Shillings for the Probate thereof, or Seven Pence for every ninety-six words of such Probate, at his election; and if there be an acknowledgment by Attorney before the Registrar of such Foreign Deed by Power of Attorney, then the Registrar shall be entitled as aforesaid to Two Shillings for the acknowledgment of each party, and the Power of Attorney, if indorsed on or contained in the body of the Deed, shall be reckoned as part of the same Deed, but if the Power of Attorney be separately written on another paper or parchment reciting or referring to the Deed, then the same to be paid for at the rate of Seven Pence for every ninety-six words;—for the copying of any Paper, Deed, or Will, Seven Pence for every ninety-six words;—for searching the Registrar's Books for any Deed, Conveyance, or Will, or for each Instrument searched for, Two Shillings;—for the certificate of registering any Deed, Conveyance or Will, Two Shillings;—for attendance where the Registrar is required to attend out of the Office, if in Kingstown, the sum of Eight Shillings, if in any other place out of Kingstown and not at the Office, Fifteen Shillings; and also the further sum of One Shilling for every reputed mile forward, but nothing for the way back again; and swearing to every Recognizance, on an acknowledgment by the Marshal, Eight Shillings.

No. 80.
9th September, 1850.

No. 81.

A Bill for the more effectual Administration of Justice and Service of Process in the Court of Chancery. [26th September, 1850.]

WHEREAS persons possessed of or entitled to lands, tenements, and hereditaments, and other Real Estate, and also of Personal Property in the Islands of this Government, or of some right or interest therein, have been or may be resident out of the said Government, and beyond the jurisdiction of the Court of Chancery of these Islands, by reason whereof creditors or others entitled to any charge or interest upon the said Real and Personal Property may be hindered in realizing their claims, through defect of jurisdiction in the said Court; for remedy whereof, may it please Your Majesty that it may be enacted, *And be it therefore enacted* by the Officer administering the Government of this Island of St. Vincent and its Dependencies, and by the Council and Assembly of the same, That after the passing of this Act it shall be lawful for the Court of Chancery of this Government, upon motion of any Complainant in any suit which has been or may be instituted in such Court concerning any lands, tenements, or hereditaments, or Real Estate, or any mortgages, charges, or incumbrances thereon, or any interest or right in or to, or issuing out of the same, or concerning any stocks, securities, funds, moneys, or other Personal Estate, situate or being within this Government, or held by any person now or at any time formerly or hereafter to be resident therein, to order and direct that service upon any Defendant in any such suit, who shall appear by affidavit to be resident in any place (specifying the same), out of the jurisdiction of the said Court, of any subpoena and of any of the process of the said Court, shall be deemed good service upon such Defendant, upon such terms, in such manner, and at such time as to the said Court shall seem reasonable.

CL. I.
Court may order service of process on absent Defendants.

That where it shall appear, by affidavit to be made to the satisfaction of the said Court, that any Defendant in any such suit as hereinbefore mentioned cannot by reasonable diligence be personally served with a subpoena to appear and answer, or that upon inquiry at his usual place of abode he could not be found so as to be served with such process, and that there is just ground for believing that such Defendant secretes or withdraws himself so as to avoid being served with the process of the said Court [such affidavit

CL. II.
Where Defendant absconds, Court may order substituted service of process.

No. 81.
26th September, 1850.

specifying whether such Defendant hath any duly constituted Attorney on record in the said Island, or any place of abode, freehold or leasehold, therein], then and in any such case it shall be lawful for the said Court to order that service of the subpoena to appear and answer shall be substituted in manner following, that is to say; upon the lawfully constituted Attorney of such Defendant appointed by Power of Attorney recorded in the Registrar's or Secretary's Office in the said Island; or where there be no such Power of Attorney, then at the last place of abode, or at the freehold or leasehold of any such Defendant in the said Island, by leaving such process with any of the residents at such place of abode, freehold or leasehold; or where there shall be no such resident then by affixing the same to any part of such place of abode, freehold or leasehold; and if such Defendant hath no such place of abode, leasehold or freehold, as aforesaid, then by such service of such process as the Court shall think reasonable and direct by such order.

CL. III.
Court may proceed as if service made within jurisdiction.

Proviso.

Proviso.

Proviso.

That upon every such service being so made upon any Defendant in any such suit, and in any or either of the said cases as aforesaid, it shall be lawful for the said Court to proceed upon such service as fully and effectually as if the same had been made upon the Defendant within the jurisdiction of the said Court: *Provided always*, That in any or either of such cases hereinabove mentioned, along with such subpoena served under any order of the said Court as aforesaid, a copy of the prayer of the Complainant's Bill shall be served upon every Defendant in every such suit as hereinbefore mentioned; *Provided also*, That no process of Contempt shall be entered upon any such proceedings as hereinbefore mentioned, nor any Decree made absolute in the said Court without the special order of the Court, upon special motion made for that purpose; *Provided also*, That nothing in this Act shall be held to make it compulsory upon the Complainant in any suit in the said Court to serve with process (whether of contempt or otherwise), or to bring before the said Court, any party or parties, person or persons, further or otherwise than such Complainant is now by Law or the practice of the said Court required so to do.

CL. IV.
Complainant may enter appearance for Defendant, and proceed to Decree *pro confesso*.

Mode of execution of Decree.

That if any Defendant in any such suits as aforesaid, after such service of process and otherwise made as aforesaid, shall neglect or refuse for the space of three calendar months from the time of such service to enter or cause to be entered his appearance, or to appoint an Attorney to act in his behalf in the said suit, then and in such case, upon due proof of the service of any such subpoena to appear and answer, and of a copy of the prayer of the Complainant's Bill, upon any Defendant, or upon due proof of any substituted service having been made in pursuance of and on the terms of any Order of the said Court as aforesaid (such proof being made by affidavit to the satisfaction of the Court), it shall be lawful for the said Court to order, upon motion for that purpose, that the Complainant be at liberty to enter an appearance for any such Defendant, and it shall be lawful for the said Complainant in such case to proceed, without any further service of process or other service upon such Defendant, to a Decree "*pro confesso*," and such Complainant may immediately set down the cause for hearing accordingly. And it shall be lawful for the said Court, in all cases where it shall see fit, to order the said Complainant's Bill to be taken "*pro confesso*," and to make such Decree thereupon as may be thought just, and thereupon to issue process to compel the performance of such Decree, either by an immediate sequestration of the Real and Personal Estate and effects of the Defendant or party so absent, or such part thereof as may be sufficient to satisfy the Complainant's demands, or by causing possession of the Estate or effects demanded by the Bill to be delivered to the Plaintiff; or that such Defendant be foreclosed or otherwise as the nature of the case may require: And the said Court may likewise order such Complainant to be paid or satisfied his demands out of the estate or effects so sequestered according to the true intent of such decree, such Complainant first giving sufficient security, in such sum as the Court shall think proper, to abide such Order touching the restitution of such estate or effects as the Court shall think proper to make, upon such Defendant's appearance to defend such

suit and paying such costs as the Court shall order : but in case such Complainant shall refuse or neglect to give such security as aforesaid, then the said Court shall order the said estate or effects so sequestered, or whereof the possession shall be decreed to be delivered, to remain under the direction of the Court, either by appointing a Receiver thereof, or otherwise as to the Court shall seem meet, or until such Order shall be made therein as the Court shall think just, or as hereinafter mentioned.

That if any person against whom any Decree shall be made, upon refusal or neglect to enter his appearance or appoint an Attorney to act on his behalf, shall be in custody or forthcoming, so that he may be served with a copy of such Decree, then he shall be served with a copy thereof before any process shall be taken out to compel the performance thereof: *Provided always*, That if any Decree shall be made in pursuance of this Act against any person being out of these Islands or absconding in manner aforesaid at the time such Decree is pronounced, and such person shall, within seven years after the making such Decree, return or become publicly visible, then and in such case he shall likewise be served with a copy of such Decree within a reasonable time after his return or public appearance shall be known to the Plaintiff; and in case any Defendant against whom such Decree shall be made shall, within seven years after the making such Decree, happen to die before his or her return into these Islands or appearing openly as aforesaid, or shall, within the time last before mentioned, die in custody before his or her being served with a copy of such Decree, then his or her heir, if such Defendant shall have Real Estate sequestered or whereof possession shall have been delivered to the Plaintiff, and such heir may be found, and if such heir shall be a *feme covert*, infant, or *non compos mentis*, the husband, guardian, or committee of such heir respectively, or if the Personal Estate of such Defendant be sequestered or possession thereof delivered to the Plaintiff, then his executor or administrator (if any such there be) may and shall be served with a copy of such Decree within a reasonable time after it shall be known to the Plaintiff that the Defendant is dead, and who is his heir, executor, or administrator, or where he may be served therewith.

That if any person so served with a copy of such Decree as aforesaid (or any person out of the jurisdiction of the said Court upon whom the Complainant or Complainants in any such suit as aforesaid shall serve a copy of any Decree therein) shall not, within six calendar months after such service, appear and petition to have the said cause reheard, such Decree so made as aforesaid shall stand absolutely confirmed against the person so served with a copy thereof, his heirs, executors, and administrators, and all persons claiming and to claim, by, from, or under him, her, or them, or any of them, by virtue of any act done or to be done subsequent to the commencement of such suit.

That if any person so served with a copy of such Decree shall within six months after such service, or if any person not being so served shall within seven years next after the making such Decree, appear in Court and petition to be heard with respect to the matter of such Decree, and shall pay down or give security for payment of such costs as the Court shall think reasonable in that behalf, the person so petitioning or his representatives, or any person claiming under him by virtue of any act done before the commencement of the suit, may be admitted to answer the Bill exhibited, and issue may be joined, and witnesses on both sides examined, and such other proceedings, decree, and execution may be had thereon as there might have been in case the same party had originally appeared and the proceedings had then been newly begun, or as if no former Decree or proceedings had been in the same cause.

That if any person against whom such Decree shall be made, his heirs, executors, or administrators shall not, within seven years next after the making of such Decree, appear and petition to have the cause reheard, and pay down or give security for payment of such costs as the Court shall think reasonable in that behalf, such Decree made as aforesaid shall stand absolutely confirmed against the person against whom such Decree shall be made,

No. 81.
26th September, 1850.

CL. V.
Process to be served on Defendant if forthcoming.

Proviso.

CL. VI.
Rule to be absolute against Defendant served therewith unless petition for rehearing within six months.

CL. VII.
Persons served with Decree admitted within six months, and persons not served admitted within seven years, to answer Bill.

CL. VIII.
Decree to be absolute against all persons, if no petition for rehearing within seven years.

No. 81.
26th September, 1850.

CL. IX.
Where Defendant neglects to answer after appearance, the English practice to prevail.

his heirs, executors, and administrators, and against all persons claiming or to claim by, from, or under him, or any of them by virtue of any act done or to be done subsequent to the commencement of such suit; and at the end of such seven years it shall be lawful for the Court to make such further Order as shall be just and reasonable according to the circumstances of the case.

That in all cases where a Defendant, after having entered his appearance in any suit in the said Court, shall abscond or neglect to answer the Complainant's Bill, it shall be lawful for the Complainant to proceed to a Decree "*pro confesso*" thereupon according to the present practice and process of the High Court of Chancery in England in similar cases.

No. 82.

An Act for the Amendment of the Law relating to Dower.

[4th December, 1850.]

Preamble.

WHEREAS an Act was passed in the Session of Parliament held in the third and fourth years of the reign of His late Majesty King William the Fourth, intituled "An Act for the Amendment of the Law relating to Dower," and it is expedient to enact in this Colony such of the provisions of the said Act as are applicable thereto: *Be it therefore enacted* by His Excellency the Lieutenant-Governor, the Council, and Assembly of the Island of St. Vincent and its Dependencies, and it is hereby enacted by the authority of the same, That the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows: that is to say, the word "Land" shall extend to messuages and all other hereditaments, whether corporeal or incorporeal (except such as are not liable to Dower), and to any share thereof.

CL. I.
Meaning of words in this Act, viz. "Land."

CL. II.
Widows to be entitled to Dower out of Equitable Estates.

That when a husband shall die beneficially entitled to any land for an interest which shall not entitle his widow to Dower out of the same at Law, and such interest, whether wholly Equitable or partly Legal and partly Equitable, shall be an estate of inheritance in possession, or equal to an estate of inheritance in possession (other than an estate in joint tenancy), then his widow shall be entitled in Equity to Dower out of the same land.

CL. III.
Seizin shall not be necessary to give title to Dower.

That where a husband shall have been entitled to a right of entry or action in any land, and his widow would be entitled to Dower out of the same if he had recovered possession thereof, she shall be entitled to Dower out of the same although her husband shall not have recovered possession thereof, provided that such Dower be sued for or obtained within the period during which such right of entry or action might be enforced.

CL. IV.
No Dower out of Estate disposed of.

That no widow shall be entitled to Dower out of any land which shall have been absolutely disposed of by her husband in his lifetime, or by his Will.

CL. V.
Priority to partial Estates, charges, &c., Debts.

That all partial estates and interests, and all charges created by any disposition or Will of a husband, and all debts, incumbrances, contracts, and engagements to which his land shall be subject or liable shall be valid and effectual as against the right of his widow to Dower.

CL. VI.
Dower may be barred by a declaration in a Deed.

That a widow shall not be entitled to Dower out of any land of her husband when, in the Deed by which such land was conveyed to him or by any Deed executed by him, it shall be declared that his widow shall not be entitled to Dower out of such land.

CL. VII.
Or by a declaration in the Husband's Will.

That a widow shall not be entitled to Dower out of any land of which her husband shall die wholly or partially intestate when by the Will of her husband he shall not declare his intention that she shall be entitled to Dower out of such land, or out of any of his land.

CL. VIII.
Dower shall be subject to restrictions.

That the right of a widow to Dower shall be subject to any conditions, restrictions, or directions which shall be declared by the Will of her husband.

That where a husband shall devise any land out of which his widow would be entitled to Dower if the same were not so devised, or any estate or interest therein, to or for the benefit of his widow, such widow shall not be entitled to Dower, out of or in any land of her said husband, unless a contrary intention shall be declared by his Will.

That no gift or bequest made by any husband to or for the benefit of his widow, of or out of his personal estate, or of or out of any of his land not liable to Dower, shall defeat or prejudice her right to Dower, unless a contrary intention shall be declared by his Will.

Provided always, That nothing in this Act contained shall prevent any Court of Equity from enforcing any covenant or agreement entered into, by or on the part of any husband, not to bar the right of his widow to Dower out of his lands, or any of them.

That nothing in this Act contained shall interfere with any Rule in Equity, or of any Ecclesiastical Court by which legacies bequeathed to widows in satisfaction of Dower are entitled to priority over other legacies.

That no widow shall hereafter be entitled to Dower *ad osium ecclesie*, or Dower *ex assensu patris*.

That this Act shall not extend to the Dower of any widow who shall have been, or shall be married on or before the first day of January, one thousand eight hundred and fifty-one, and shall not give to any Will, Deed, Contract, engagement, or charge executed, entered into, or created before the said first day of January, one thousand eight hundred and fifty-one, the effect of defeating or prejudicing any right to Dower.

No 82.
4th December, 1850.

CL. IX.
Devise of Real Estate to the Widow shall bar her Dower.

CL. X.
Bequest of Personal Estates shall not bar her Dower.

CL. XI.
Agreement not to bar may be enforced.

CL. XII.
Legacies in bar of Dower.

CL. XIII.
Certain Dowers abolished.

CL. XIV.
Act when to take effect.

No. 83.

An Act for the Amendment of the Laws with respect to Wills.

[31st January, 1851.]

WHEREAS an Act was passed in the Session of Parliament held in the seventh year of the reign of His late Majesty King William the Fourth, and in the first year of the reign of Her Majesty the Queen, intituled "An Act for the Amendment of the Laws with respect to Wills;" and it is expedient to enact in this Colony such of the provisions of the said Act as are applicable thereto: *Be it therefore enacted* by his Excellency the Lieutenant-Governor, the Council, and Assembly of the Island of St. Vincent and its Dependencies, and it is hereby enacted by the authority of the same, That the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows: that is to say, the word "Will" shall extend to a Testament and to a Codicil, and to an appointment by Will, or by writing in the nature of a Will in exercise of a power, and also to a disposition by Will and Testament or Devise of the custody and tuition of any child by virtue of an Act passed in the twelfth year of the reign of King Charles the Second, intituled "An Act for taking away the Court of Wards and Liveries and Tenures *in capite* and by Knights' service and purvey-
"ance, and for settling a revenue upon His Majesty in lieu thereof;" and to any other Testamentary disposition: and the words "Real Estate" shall extend to Messuages, Lands, Rents, and Hereditaments, whether freehold or of any other tenure, and whether corporeal, incorporeal, or personal, and to any undivided share thereof, and to any estate, right, or interest (other than chattel interest) therein; and the words "Personal Estate" shall extend to leasehold estates and other chattels real, and also to moneys, shares of Government and other funds, securities for money (not being real Estates), debts, choses in action, rights, credits, goods, and all other property whatsoever which by Law devolves upon the executor or administrator, and to any share therein.

Preamble.

"CL. I.
Meaning of certain words in this Act.

Viz. "Will."

12 Charles II. c. 24.

"Real Estate."

"Personal Estate."

CL. II.
Repealed sec. 5, 6, 12,
19, 20, 21, c. 22, of the Stat. Frauds; 29 Charles II. c. 3; 25 Geo. II. c. 6.

No. 83.
31st January, 1851.

CL. III.
All property may be
disposed of by Will.

That it shall be lawful for every person to devise, bequeath, or dispose of by his Will, executed in manner hereinafter required, all real Estate and all personal Estate, which he shall be entitled to, either at Law or in Equity, at the time of his death, and which, if not so devised, bequeathed, or disposed of, would devolve upon the Heir-at-Law of him, or if he became entitled by descent of his ancestor, or upon his executor or administrator; and that the power hereby given shall extend to estates *pur autre vie*, whether there shall or shall not be any special occupant thereof, and whether the same shall be freehold or of any other tenure, and whether the same shall be a corporeal or an incorporeal hereditament, and also to all contingent executory or other future interests in any real or personal Estate, whether the Testator may or may not be ascertained as the person or one of the persons in whom the same respectively may become vested, and whether he may be entitled thereto under the instrument by which the same respectively were created, or under any disposition thereof by Deed or Will; and also to all rights of entry for conditions broken and other rights of entry, and also to such of the same estates, interests, and rights respectively and other real and personal estate as the Testator may be entitled to at the time of his death, notwithstanding that he may become entitled to the same subsequently to the execution of his Will.

CL. IV.
Estates *pur autre vie*.

That if no disposition by Will shall be made of any Estate *pur autre vie*, of a freehold nature, the same shall be chargeable in the hands of the heir, if it shall come to him by reason of special occupancy, as assets by descent as in the case of freehold land in fee simple, and in case there shall be no special occupant of any estate *pur autre vie*, whether freehold or of any other tenure, and whether a corporeal or incorporeal hereditament, it shall go to the executor or administrator of the party that had the estate thereof by virtue of the grant, and if the same shall come to the executor or administrator, either by reason of a special occupancy or by virtue of this Act, it shall be assets in his hands, and shall go and be applied and distributed in the same manner as the personal estate of the Testator or Intestate.

CL. V.
No Will of a minor
valid.

That no Will made by any person under the age of twenty-one years shall be valid.

CL. VI.
Nor of a married
woman.

That no Will made by any married woman shall be valid, except such a Will as might have been made by a married woman before the passing of this Act.

CL. VII.
Every Will to be in
writing and signed in
the presence of two
witnesses.

That no Will shall be valid unless it shall be in writing, and executed in manner hereinafter mentioned (that is to say): it shall be signed at the foot or end thereof by the Testator or by some other person in his presence and by his direction, and such signature shall be made or acknowledged by the Testator in the presence of two or more witnesses present at the same time, and such witnesses shall attest and shall subscribe the Will in presence of the Testator, but no form of attestation shall be necessary.

CL. VIII.
Appointments by Will
to be executed like
other Wills.

That no appointment made by Will in exercise of any power shall be valid unless the same be executed in manner hereinbefore required; and every Will executed in manner hereinbefore required shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by Will, notwithstanding that it shall have been expressly required that a Will made in exercise of such power should be executed with some additional or other form of execution or solemnity.

CL. IX.
Publication not to be
requisite.

That every Will executed in manner hereinbefore required shall be valid without any other publication thereof.

CL. X.
Will not void by in-
competency of wit-
ness.

That if any person who shall attest the execution of a Will shall at the time of execution thereof, or at any time afterwards, be incompetent to be admitted a witness to prove the execution thereof, such Will shall not on that account be invalid.

CL. XI.
Gifts to an attesting
witness to be void.

That if any person shall attest the execution of any Will to whom or to whose wife or husband any beneficial devise, legacy, estate, interest, gift, or appointment of or affecting any real or personal Estate (other than and except charges and directions for the payment of any debt or debts) shall be thereby given or made, such devise, legacy, estate, interest, gift, or appointment shall, so far only as concerns such person attesting the execution of

such Will, or the wife or husband of such person, or any person claiming under such person, or wife, or husband, be utterly null and void ; and such person so attesting shall be admitted as a witness to prove the execution of such Will, or to prove the validity or invalidity thereof, notwithstanding such devise, legacy, estate, interest, gift, or appointment mentioned in such Will.

That in case by any Will any real or personal Estate shall be charged with any debt or debts, and any creditor, or the wife or husband of any creditor whose debt is so charged, shall attest the execution of such Will, such creditor, notwithstanding such charge, shall be admitted a witness to prove the execution of such Will, or to prove the validity or invalidity thereof.

That no person shall, on account of his being an Executor of a Will, be incompetent to be admitted a witness to prove the execution of such Will, or a witness to prove the validity or invalidity thereof.

That every Will made by a man or woman shall be revoked by his or her marriage, (except a Will made in exercise of a power of appointment, when the real or personal Estate thereby appointed would not, in default of such appointment, pass to his or her heir, executor, administrator, or the person entitled as his or her next of kin under the Statute of Distributions.)

That no Will shall be revoked by any presumption of an intention, on the ground of an alteration in circumstances.

That no Will or Codicil, or any part thereof, shall be revoked otherwise than as aforesaid, or by another Will or Codicil executed and attested in manner hereinbefore required, or by some writing declaring an intention to revoke the same and executed in the same manner in which a Will is hereinbefore required to be executed, or by the burning, tearing, or otherwise destroying the same by the Testator, or by some person in his presence and by his direction, with the intention of revoking the same.

That no obliteration, interlineation, or other alteration made in any Will after the execution thereof shall be valid, or have any effect, except so far as the words or effect of the Will before such alteration shall not be apparent, unless such alteration shall be executed and attested in like manner as hereinbefore is required for the execution of the Will ; but the Will with such alteration as part thereof shall be deemed to be duly executed if the signature of the Testator and the subscription of the witnesses be made in the margin, or on some other part of the Will opposite or near to such alteration, or at the foot or end of, or opposite to a memorandum referring to such alteration, and written at the end or some other part of the Will.

That no Will or Codicil, or any part thereof which shall be in any manner revoked shall be revived otherwise than by the re-execution thereof, or by a Codicil executed and attested in manner hereinbefore required, and showing an intention to revive the same ; and when any Will or Codicil which shall be partly revoked, and afterwards wholly revoked, shall be revived, such revival shall not extend to so much thereof as shall have been revoked before the revocation of the whole thereof, unless an intention to the contrary shall be shown.

That no conveyance or other act made or done subsequently to the execution of a Will, of or relating to any real or personal Estate therein comprised, except an act by which such Will shall be revoked as aforesaid, shall prevent the operation of the Will with respect to such estate or interest in such real or personal estate as the Testator shall have power to dispose of by Will at the time of his death.

That every Will shall be construed, with reference to the real Estate and personal Estate comprised in it, to speak and take effect as if it had been executed immediately before the death of the Testator, unless a contrary intention shall appear by the Will.

That unless a contrary intention shall appear by the Will, such real estate or interest therein as shall be comprised or intended to be comprised in any devise in such Will contained, which shall fail or be void by reason of the death of the Devisee in the lifetime of the Testator, or by reason

No. 83.
31st January, 1851.

CL. XII.
Creditor attesting to be admitted a witness.

CL. XIII.
Executor to be admitted a witness.

CL. XIV.
Will to be revoked by marriage.

CL. XV.
No Will to be revoked by presumption.

CL. XVI.
In what cases Wills may be revoked.

CL. XVII.
No alteration in a Will shall have any effect unless executed as a Will.

CL. XVIII.
How revoked Will shall be revived.

CL. XIX.
When a Devise not to be rendered inoperative, &c.

CL. XX.
A Will to speak from the death of the Testator.

CL. XXI.
What a residuary Devise shall include.

No. 83.
31st January, 1851.

CL. XXII.
A general Devise shall
include Leaseholds.

CL. XXIII.
[A general Devise to
have the effect of an
Appointment.]

CL. XXIV.
How a Devise without
words of limitation
shall be construed.

*CL. XXV.
How the words "die
without issue" or "die
without leaving any
issue" shall be con-
strued.

CL. XXVI.
Devise to Trustees or
Executor shall pass
[the fee simple, unless
a term be created.]

CL. XXVII.
Trustees under un-
limited devise, &c., to
take the fee.

CL. XXVIII.
Devise of Estate-tail
shall not lapse.

of such devise being contrary to Law, or otherwise incapable of taking effect, shall be included in the residuary devise (if any) contained in such Will.

That a Devise of the land of a Testator, or of the land of the Testator in any place or in the occupation of any person mentioned in his Will, or otherwise described in a general manner, and any other general devise which would describe a Leasehold Estate, if the Testator had no Freehold Estate which could be described by it, shall be construed to include the Leasehold Estates of the Testator, or his Leasehold Estates to which such description shall extend, as the case may be, as well as Freehold Estates, unless a contrary intention shall appear by the Will.

That a general Devise of the real Estate of the Testator, or of the real Estate of the Testator in any place, or in the occupation of any person mentioned in his Will, or otherwise described in a general manner, shall be construed to include any real estate or any real estate to which such description shall extend (as the case may be) which he may have power to appoint in any manner he may think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the Will; and in like manner a bequest of the personal estate of the Testator, or any bequest of personal property described in a general manner shall be construed to include any personal estate, or any personal estate to which such description shall extend (as the case may be), which he may have power to appoint in any manner he may think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the Will.

That where any real Estate shall be devised to any person without any words of limitation, such devise shall be construed to pass the fee simple or other the whole estate or interest which the Testator had power to dispose of by Will in such real estate, unless a contrary intention shall appear by the Will.

That in any Devise or bequest of real or personal Estate, the words "die without issue" or "die without leaving any issue," or "have no issue," or any other words which may import either a want or failure of issue of any person in his lifetime, or at the time of his death, or an indefinite failure of issue, shall be construed to mean a want or failure of issue in the lifetime, or at the time of the death of such person, and not an indefinite failure of his issue, unless a contrary intention shall appear by the Will by reason of such person having a prior estate tail, or of a preceding gift being without any implication arising from such words, a limitation of an estate tail to such person or issue, or otherwise: *Provided*, That this Act shall not extend to cases where such words as aforesaid import if no issue described in a preceding gift shall be born, or if there shall be no issue who shall live to attain the age, or otherwise answer the description required for obtaining a vested Estate by a preceding gift to such issue.

That where any real Estate shall be devised to any Trustee or Executor, such devise shall be construed to pass the fee simple, or other the whole estate or interest which the Testator had power to dispose of by Will in such real estate, unless a definite term of years, absolute or determinable, or an Estate of Freehold shall thereby be given to him, expressly or by implication.

That where any real Estate shall be devised to a Trustee without any express limitation of the estate to be taken by such Trustee, and the beneficial interest in such real estate, or in the surplus rents and profits thereof, shall not be given to any person for life, or such beneficial interest shall be given to any person for life, but the purposes of the trust may continue beyond the life of such person, such devise shall be construed to vest in such Trustee the fee simple or other the whole legal estate which the Testator had power to dispose of by Will in such real estate, and not an estate determinable when the purposes of the trust shall be satisfied.

That when any person to whom any real Estate shall be devised for an estate-tail, or an estate *in quasi entail*, shall die in the lifetime of the Testator, leaving issue who would be inheritable under such entail, and any such issue shall be living at the time of the death of the Testator, such devise

shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the Testator, unless a contrary intention shall appear by the Will.

No. 83.
31st January, 1851.

CL. XXIX.
Gifts to children or other issue who have issue living at the Testator's death shall not lapse.

That where any person being a Child or other issue of the Testator, to whom any real or personal Estate shall be devised or bequeathed for any Estate or Interest not determinable at or before the death of such person, shall die in the lifetime of the Testator leaving issue, and any such issue of such person shall be living at the time of the death of the Testator, such devise or bequest shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the Testator, unless a contrary intention shall appear by the Will.

CL. XXX.
To what Wills and Estates this Act shall not extend.

That this Act shall not extend to any Will made before the first day of January, one thousand eight hundred and fifty-one; and that every Will re-executed or republished, or revived by any Codicil, shall for the purposes of this Act be deemed to have been made at the time at which the same shall be so re-executed, republished, or revived; and that this Act shall not extend to any estate *pur autre vie* of any person who shall die before the first day of January, one thousand eight hundred and fifty-one.

No. 84.

An Act for the Limitation of Actions and Suits relating to Real Property, and for simplifying the Remedies for trying the Rights thereto.

[31st January, 1851.]

BE IT ENACTED, by the Governor, the Council, and Assembly of the Island of St. Vincent and its Dependencies, and by the authority of the same, That the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows: that is to say, the word "Land" shall extend to Messuages and all other corporeal hereditaments whatsoever, and also to any share, estate, or interest in them, or any of them, whether the same shall be a Freehold or Chattel interest, and whether Freehold or held according to any other tenure; and the word "Rent" shall extend to all services and suits for which a distress may be made, and to all annuities and periodical sums of money charged upon or payable out of any Land; and the person through whom another person is said to claim shall mean any person by, through, or under, or by the act of whom the person so claiming became entitled to the estate or interest claimed as heir, issue, intail, tenant by the curtesy of England, tenant in dower, successor, special or general occupant, executor, administrator, legatee, husband, assignee, appointee, devisee, or otherwise; and the word "Person" shall extend to a Body Politic, Corporate, or Collegiate, and to a class of creditors or other persons, as well as an individual.

CL. I.
Meaning of the words in the Act.

Land.

Rent.

Persons through whom another claims.

Person.

That after the commencement of this Act no person shall make an entry or distress, or bring an action to recover any Land or Rent, but within Twenty Years next after the time at which the right to make such entry or distress or to bring such action shall have first accrued, or some person through whom he claims, or if such right shall not have accrued to any person through whom he claims, then within twenty years next after the time at which the right to make such entry or distress or to bring such action shall have first accrued to the person making or bringing the same.

CL. II.
No Land or Rent to be recovered but within Twenty Years after the right of action accrued to the claimant or some person whose estate he claims.

That in the construction of this Act the right to make an entry or distress, or bring an action to recover any Land or Rent, shall be deemed to have first accrued at such times as hereinafter is mentioned (that is to say): when the person claiming such land or rent, or some person through whom he claims, shall in respect of the estate or interest claimed have been in possession or in receipt of the profits of such land, or in receipt of such rent, and shall while entitled thereto have been dispossessed, or have discontinued such possession or

CL. III.
When the right shall be deemed to have accrued.

In the case of an Estate in possession.

No. 84.
31st January, 1851.

On dispossession.
On abatement or death.

On alienation.

In case of future [reversionary] estates.

In case of forfeiture or breach of condition.

CL. IV.
When advantage of Forfeiture is not taken by remainder-man, he shall have a new right when his estate comes into possession.

CL. V.
Reversioner to have a new right.

CL. VI.
An Administrator to claim as if he obtained the Estate without interval after death of deceased.

CL. VII.
In the case of a Tenant at Will the right shall be deemed to have accrued at the end of one year.

receipt, then such right shall be deemed to have first accrued at the time of such dispossession, or discontinuance of possession, or at the last time at which any such profits or rent were or was so received; and when the person claiming such land or rent shall claim the estate or interest of some deceased person who shall have continued in such possession or receipt in respect of the same estate or interest until the time of his death, and shall have been the last person entitled to such estate or interest who shall have been in such possession or receipt, then such right shall be deemed to have first accrued at the time of such death; and when the person claiming such land or rent shall claim in respect of an estate or interest in possession, granted, appointed, or otherwise assured by any instrument (other than a Will) to him, or some person through whom he claims, by a person being, in respect of the same estate or interest in the possession or receipt of the profits of the land or in the receipt of the rent, and no person entitled under such instrument shall have been in such possession or receipt, then such right shall be deemed to have first accrued at the time at which the person claiming as aforesaid, or the person through whom he claims, became entitled to such possession or receipt by virtue of such instrument; and when the estate or interest claimed shall have been an estate or interest in reversion or remainder, or other future estate or interest, and no person shall have obtained the possession or receipt of the profits of such land, or the receipt of such rent in respect of such estate or interest, then such right shall be deemed to have first accrued at the time at which such estate or interest became an estate or interest in possession; and when the person claiming such land or rent, or the person through whom he claims shall have become entitled, by reason of any forfeiture or breach of condition, then such right shall be deemed to have first accrued when such forfeiture was incurred, or such condition was broken.

Provided always, That when any right to make an entry or distress, or to bring an action to recover any Land or Rent, by reason of any Forfeiture or breach of condition, shall have first accrued in respect of any estate or interest in reversion or remainder, and the land or rent shall not have been recovered by virtue of such right, the right to make an entry or distress, or bring an action to recover such land or rent, shall be deemed to have first accrued in respect of such estate or interest at the time when the same shall have become an estate or interest in possession, as if no such forfeiture or breach of condition had happened.

Provided also, That a right to make an entry or distress, or to bring an action to recover any Land or Rent shall be deemed to have first accrued in respect of an estate or interest in reversion at the time at which the same shall have become an estate or interest in possession, by the determination of any estate or estates in respect of which such land shall have been held or the profits thereof or such rent shall have been received, notwithstanding the person claiming such land, or some person through whom he claims, shall at any time previously to the creation of the estate or estates which shall have determined have been in possession or receipt of the profits of such land or in receipt of such rent.

That for the purposes of this Act an Administrator claiming the Estate or interest of the deceased person, of whose chattels he shall be appointed Administrator, shall be deemed to claim as if there had been no interval of time between the death of such deceased person, and the grant of the Letters of Administration.

That when any person shall be in possession or in receipt of the profits of any Land or in receipt of any Rent as Tenant at Will, the right of the present entitled subject thereto, or of the person through whom he claims to make an entry or distress, or bring an action to recover such land or rent, shall be deemed to have first accrued either at the determination of such tenancy or at the expiration of one year next after the commencement of such tenancy, at which time such tenancy shall be deemed to have determined: *Provided always,* That no mortgagor or *cestui que* trust shall be deemed to be a tenant at will within the meaning of this clause to his mortgagee or trustee.

That when any person shall be in possession or in receipt of the profits of any Land, or in receipt of any Rent as tenant from year to year or other period without any lease in writing, the right of the person entitled subject thereto, or of the person through whom he claims to make an entry or distress, or bring an action to recover such land or rent, shall be deemed to have first accrued at the determination of the first of such years or other periods, or at the last time when any rent payable in respect of such tenancy shall have been received (which shall last happen).

That when any person shall be in possession or in receipt of the profits of any Land, or in receipt of any Rent by virtue of a Lease in writing by which a rent amounting to the yearly sum of Twenty Shillings or upwards shall be reserved, and the rent reserved by such lease shall have been received by some person wrongfully claiming to be entitled to such land or rent in reversion immediately expectant on the determination of such lease, and no payment in respect of the rent reserved by such lease shall afterwards have been made to the person rightfully entitled thereto, the right of the person entitled to such land or rent subject to such lease, or of the person through whom he claims to make an entry or distress, or to bring an action after the determination of such lease, shall be deemed to have first accrued at the time at which the rent reserved by such lease was first so received by the person wrongfully claiming as aforesaid, and no such right shall be deemed to have first accrued upon the determination of such lease to the person rightfully entitled.

That no person shall be deemed to have been in possession of any Land, within the meaning of this Act, merely by reason of having made an entry thereon.

That no continual or other claim upon or near any Land shall preserve any right of making an entry or distress or of bringing an action.

That when any one or more of several persons entitled to any Land or Rent as Coparceners, Joint Tenants, or Tenants in common shall have been in possession or receipt of the entirety, or more than his or their undivided share or shares of such land or of the profits thereof or of such rent, for his or their own benefit, or for the benefit of any person or persons other than the person or persons entitled to the other share or shares of the same land or rent, such possession or receipt shall not be deemed to have been the possession or receipt of or by such last-mentioned person or persons or any of them.

That when a younger brother or other relation of the person entitled as heir to the possession or receipt of the profits of any Land or the receipt of any Rent shall enter into the possession or receipt thereof, such possession or receipt shall not be deemed to be the possession or receipt of or by the person entitled as heir.

Provided always, That when any acknowledgment of the title of the person entitled to any Land or Rent shall have been given to him or his Agent in writing, signed by the person in possession or in receipt of the profits of such land or in receipt of such rent, then such possession or receipt of or by the person by whom such acknowledgment shall have been given shall be deemed, according to the meaning of this Act, to have been the possession or receipt of or by the person to whom or to whose agent such acknowledgment shall have been given at the time of giving the same, and the right of such last-mentioned person, or any person claiming through him, to make an entry or distress, or bring an action to recover such land or rent, shall be deemed to have first accrued at and not before the time at which such acknowledgment, or the last of such acknowledgments, if more than one, was given.

That when no such acknowledgment as aforesaid shall have been given before the passing of this Act, and the possession or receipt of the profits of the Land or the receipt of the Rent shall not at the time of the passing of this Act have been adverse to the right or title of the person claiming to be entitled thereto, then such person, or the person claiming through him, may, notwithstanding the period of Twenty Years hereinbefore limited shall have expired, make an entry or distress, or bring an action to recover such

No. 84.
31st January, 1851.

CL. VIII.
No person, after a tenancy from year to year, to have any right but from the end of the first year or last payment of rent.

CL. IX.
When rent amounting to 20s. reserved by a Lease in writing shall have been wrongfully received no right to accrue on the determination of the Lease.

CL. X.
A mere entry not to be deemed possession.

CL. XI.
No right to be preserved by continual claim.

CL. XII.
Possession of one Coparcener, &c., not to be the possession of the others.

CL. XIII.
Possession of a younger brother not to be possession of the heir.

CL. XIV.
Acknowledgment in writing given of the person entitled or his Agent equivalent to possession or receipt of rent.

CL. XV.
When possession is not adverse at the time of passing the Act, the right shall not be barred until the end of five years afterwards.

No. 84.
31st January, 1851.

CL. XVI.
Persons under disability of infancy, lunacy, coverture, or beyond seas, and their representatives, to be allowed Ten years from the termination of their disability or death.

CL. XVII.
But no action, &c., shall be brought beyond forty years after the right of action accrued.

CL. XVIII.
No further time to be allowed for a succession of disabilities.

CL. XIX.
When the right to an estate in possession is barred, the right of the same to future estates shall also be barred.

CL. XX.
When Tenant in Tail is barred, remainderman, whom he might have barred, shall not recover.

CL. XXI.
Possession adverse to a Tenant in Tail, shall run on against the remainderman whom he might have barred.

CL. XXII.
When there shall have

land or interest at any time within Five years next after the passing of this Act.

That if at the time at which the right of any person to make an entry or distress, or bring an action to recover any Land or Rent, shall have first accrued as aforesaid, such person shall have been under any of the disabilities hereinafter mentioned (that is to say): infancy, coverture, idiotcy, lunacy, unsoundness of mind, or absence beyond seas, then such person, or the person claiming through him, may, notwithstanding the period of twenty years hereinbefore limited shall have expired, make an entry or distress, or bring an action to recover such land or rent, at any time within Ten Years next after the time at which the person to whom such right shall have first accrued as aforesaid shall have ceased to be under any such disability, or shall have died (which shall have first happened).

That no entry, distress, or action shall be made or brought by any person who, at the time at which his right to make an entry or distress or to bring an action to recover any Land or Rent shall have first accrued, shall be under any of the disabilities hereinbefore mentioned, or by any person claiming through him, but within Forty Years next after the time at which such right shall have first accrued, although the person under disability at such time may have remained under one or more of such disabilities during the whole of such forty years, or although the term of ten years from the time at which he shall have ceased to be under any such disability or have died shall not have expired.

That when any person shall be under any of the disabilities hereinbefore mentioned at the time at which his right to make an entry or distress, or to bring an action to recover any Land or Rent, shall have first accrued, and shall depart this life without having ceased to be under any such disability, no time to make an entry or distress, or to bring an action to recover such land or rent, beyond the said period of twenty years next after the right of such person to make an entry or distress or to bring an action to recover such land or rent shall have first accrued, or the said period of ten years next after the time at which such person shall have died, shall be allowed by reason of any disability of any other person.

That when the right of any person to make an entry or distress, or bring an action to recover any Land or Rent to which he may have been entitled for an estate or interest in possession, shall have been barred by the determination of the period hereinbefore limited, which shall be applicable in such case, and such person shall at any time during the said period have been entitled to any other estate, interest, right or possibility, in reversion, remainder, or otherwise in or to the same land or rent, no entry, distress, or action shall be made or brought by such person, or any person claiming through him, to recover such land or rent in respect of such other estate, interest, right, or possibility, unless in the meantime such land or rent shall have been recovered by some person entitled to an estate, interest, or right which shall have been limited, or taken effect after, or in defeazance of such estate or interest in possession.

That when the right of a Tenant in Tail of any Land or Rent to make an entry or distress, or to bring an action to recover the same, shall have been barred by reason of the same not having been made or brought within the period hereinbefore limited, which shall be applicable in such case, no such entry, distress or action shall be made or brought by any person claiming any estate, interest, or right which such Tenant in Tail might lawfully have barred.

That when a Tenant in Tail of any Land or Rent entitled to recover the same shall have died before the expiration of the period hereinbefore limited, which shall be applicable in such case for making an entry or distress, or bringing an action to recover such land or rent, no person claiming any estate, interest, or right which such Tenant in Tail might lawfully have barred, shall make an entry or distress, or bring an action to recover such land or rent, but within the period during which, if such Tenant in Tail had so long continued to live, he might have made such entry or distress, or brought such action.

That when a Tenant in Tail of any Land or Rent shall have made an

assurance thereof, which shall not operate to bar an estate or estates to take effect after or in defeazance of his estate tail, and any person shall, by virtue of such assurance, at the time of the execution thereof or at any time afterwards, be in possession or receipt of the profits of such land, or in the receipt of such rent, and the same person or any other person whatsoever (other than some person entitled to such possession or receipt in respect of an estate which shall have taken effect after or in defeazance of the estate tail) shall continue or be in such possession or receipt for the period of Twenty Years next after the commencement of the time at which such assurance, if it had then been executed by such Tenant in Tail, or the person who would have been entitled to his estate tail if such assurance had not been executed, would, without the consent of any other person, have operated to bar such estate or estates as aforesaid, then, at the expiration of such period of twenty years, such assurance shall be and be deemed to have been effectual as against any person claiming any estate, interest, or right, to take effect after or in defeazance of such estate tail.

That after the commencement of this Act no person claiming any Land or Rent in Equity shall bring any suit to recover the same but within the period during which, by virtue of the provisions hereinbefore contained, he might have made an entry or distress, or brought an action to recover the same respectively if he had been entitled at Law to such estate, interest, or right in or to the same as he shall claim therein in Equity.

That when any Land or Rent shall be vested in a Trustee upon any express trust, the right of the *cestui que* trust or any person claiming through him, to bring a suit against the Trustee or any person claiming through him, to recover such land or rent, shall be deemed to have first accrued, according to the meaning of this Act, at and not before the time at which such land or rent shall have been conveyed to a purchaser for a valuable consideration, and shall then be deemed to have accrued only as against such purchaser and any person claiming through him.

That in every case of a concealed Fraud the right of any person to bring a suit in Equity for the recovery of any Land or Rent of which he, or any person through whom he claims, may have been deprived by such fraud, shall be deemed to have first accrued at, and not before, the time at which such fraud shall, or with reasonable diligence might, have been first known or discovered; provided that nothing in this clause contained shall enable any owner of lands or rents to have a suit in Equity for the recovery of such lands or rents, or for setting aside any conveyance of such lands or rents, on account of fraud against any *bonâ fide* purchaser for valuable consideration who has not assisted in the commission of such fraud, and who, at the time that he made the purchase, did not know, and had no reason to believe that any such fraud had been committed.

That nothing in this Act contained shall be deemed to interfere with any rule or jurisdiction of Courts of Equity in refusing relief, on the ground of acquiescence or otherwise, to any person whose right to bring a suit may not be barred by virtue of this Act.

That when a Mortgagee shall have obtained the possession or receipt of the profits of any land, or the receipt of any rent comprised in his mortgage, the Mortgagor, or any person claiming through him, shall not bring a suit to redeem the mortgage but within Twenty Years next after the time at which the Mortgagee obtained such possession or receipt, unless in the meantime an acknowledgment of the title of the Mortgagor, or of his right of redemption, shall have been given to the Mortgagee, or some person claiming his estate, or to the agent of such Mortgagor or person, in writing signed by the Mortgagee or the person claiming through him, and in such case no such suit shall be brought but within twenty years next after the time at which such acknowledgment, or the last of such acknowledgments if more than one, was given; and when there shall be more than one Mortgagor, or more than one person claiming through the Mortgagor or Mortgagees, such acknowledgment, if given to any of such Mortgagors or persons or his or their Agent, shall be as effectual as if the same had been given to all such Mortgagors or persons; but where there shall be more than one Mortgagee,

No. 84.
31st January, 1851.

been possession under an assurance by a Tenant in Tail, which shall not bar the remainders, they shall not be barred at the end of Twenty Years after the time when the assurance if then executed would have barred them.

CL. XXIII.
No suit in Equity to be brought after the time when the Plaintiff, if entitled at law, might have brought an action.

CL. XXIV.
In case of express trust the right shall not be deemed to have accrued until a conveyance to a purchaser.

CL. XXV.
In case of fraud no time shall run whilst the Fraud remains concealed.

CL. XXVI.
Saving the jurisdiction of Equity on the ground of acquiescence or otherwise.

CL. XXVII.
Mortgagor to be barred at the end of Twenty Years from the time when the Mortgagee took possession or from the last written acknowledgment.

No. 84.
31st January, 1851.

or more than one person claiming the estate or interest of the Mortgagee or Mortgagees, such acknowledgment signed by one or more of such Mortgagees or persons shall be effectual only as against the party or parties signing as aforesaid, and the person or persons claiming any part of the mortgage money, or land, or rent, by, from, or under him or them, and any person or persons entitled to any estate or estates, interest or interests, to take effect after or in defeazance of his or their estate or estates, interest or interests, and shall not operate to give to the Mortgagor or Mortgagors a right to redeem the mortgage as against the person or persons entitled to any other undivided or divided part of the money, or land, or rent; and where such of the Mortgagees or persons aforesaid as shall have given such acknowledgment shall be entitled to a divided part of the land or rent comprised in the mortgage, or some estate or interest therein, and not to any ascertained part of the mortgage money, the Mortgagor or Mortgagors shall be entitled to redeem the said divided part of the land or rent on payment with interest of the part of the mortgage money which shall bear the same proportion to the whole of the mortgage money as the value of such divided part of the land or rent shall bear to the value of the whole of the land or rent comprised in the mortgage.

CL. XXVIII.
Any person entitled to any Mortgage of Land may enter or sue to recover such land within Twenty Years after last payment of principal or interest.

That it shall and may be lawful for any person entitled to, or claiming under any Mortgage of Land, to make an entry, or bring an action at Law, or suit in Equity, to recover such land at any time within Twenty Years next after the last payment of any part of the principal money or interest, secured by such mortgage, although more than twenty years may have elapsed since the time at which the right to make such entry, or bring such action or suit in Equity, shall have first accrued.

CL. XXIX.
No Lands or Rents to be recovered by Ecclesiastical or Eleemosynary Corporations Sole, but within two incumbrances and six or sixty years.

Provided always, and be it further enacted, That it shall be lawful for any Archbishop, Bishop, Dean, Prebendary, Parson, Vicar, Master of Hospital, or other Spiritual or Eleemosynary Corporation Sole, to make an entry or distress or to bring an action or suit to recover any Land or Rent within such period as hereinafter is mentioned next after the time at which the right of such Corporation Sole, or of his predecessor to make such entry or distress or bring such action or suit, shall first have accrued, that is to say, the period during which two persons in succession shall have held the Office or Benefice in respect whereof such Land or Rent shall be claimed, and Six years after a third person shall have been appointed thereto, if the times of such two incumbrances and such term of six years taken together shall amount to the full period of Sixty years; and if such times, taken together, shall not amount to the full period of sixty years, then during such further number of years, in addition to such six years, as will, with the time of the holding of such two persons and such six years, make up the full period of sixty years; and after the commencement of this Act no such entry, distress, action, or suit shall be made or brought at any time beyond the determination of such period.

CL. XXX.
At the end of the period of limitation the right of party out of possession to be extinguished.

That at the determination of the period limited by this Act to any person for making an Entry or Distress, or bringing an action or suit, the right and title of such person to the land or rent for the recovery whereof such entry, distress, action, or suit respectively, might have been made or brought within such period, shall be extinguished.

CL. XXXI.
Receipt of Rent to be deemed receipt of profits.

That the Receipt of the Rent payable by any Tenant from year to year, or other Lessee, shall, as against such Lessee or any person claiming under him (but subject to the lease), be deemed to be the receipt of the profits of the Land, for the purposes of this Act.

CL. XXXII.
Real and mixed actions, except dower and ejectment, abolished.

That no action, real or mixed (except a Writ of Dower, or Writ of Dower under *nihil habet* or an ejectment), shall be brought after the commencement of this Act.

CL. XXXIII.
Saving the right of persons entitled to real actions only at the commencement of the Act, &c.

That when, on the commencement of this Act any person whose right of Entry to any Land shall have been taken away by any descent, cast, discontinuance, or warranty, might maintain any action, real or mixed, in respect of such land, such action may be brought after the commencement of this Act, but only within the period during which, by virtue of the provisions of this Act, an entry might have been made upon the same land by the

person bringing such action if his right of entry had not been so taken away.

That no Descent, cast, discontinuance, or warranty which may happen or be made after the commencement of this Act shall toll or defeat any right of entry or action for the recovery of land.

That after the commencement of this Act no action or suit or other proceeding shall be brought to recover any sum of money secured by any mortgage, judgment, or lien, or otherwise charged upon or payable out of any Land or Rent, at Law or in Equity, or any Legacy, but within Twenty Years next after a present right to receive the same shall have accrued to some person capable of giving a discharge for or release of the same, unless in the meantime some part of the principal money, or some interest thereon, shall have been paid, or some acknowledgment of the right thereto shall have been given in writing, signed by the person by whom the same shall be payable or his agent, to the person entitled thereto or his agent, and in such case no such action or suit or proceeding shall be brought but within twenty years after such payment or acknowledgment, or the last of such payments or acknowledgments (if more than one) was given.

That after the commencement of this Act no Arrears of Dower nor any damage on account of such arrears shall be recovered or obtained by any action or suit for a longer period than Six Years next before the commencement of such action or suit.

That after the commencement of this Act no Arrears of Rent or interest in respect of any sum of money charged upon or payable out of any land or rent, or in respect of any legacy, or any damages in respect of such arrears of rent or interest, shall be recovered by any distress, action, or suit, but within Six Years next after the same respectively shall have become due, or next after an acknowledgment of the same in writing shall have been given to the person entitled thereto or his agent, signed by the person by whom the same was payable or his agent: *Provided nevertheless*, That where any prior Mortgagee or other incumbrancer shall have been in possession of any land, or in the receipt of the profits thereof, within one year next before an action or suit shall be brought by any person entitled to a subsequent mortgage or other incumbrance on the same land, the person entitled to such subsequent mortgage or incumbrance may recover, in such action or suit, the arrears of interest which shall have become due during the whole time that such prior Mortgagee or Incumbrancer was in such possession or receipt as aforesaid, although such time may have exceeded the said term of six years.

That after the commencement of this Act no person claiming any Legacy, or other property for the recovery of which he might bring an action or suit at Law or in Equity, shall bring a suit or other proceeding in any Spiritual Court to recover the same but within the period during which he might bring such action or suit at Law or in Equity.

That nothing in this Act contained shall revive or re-create any right of action or suit, or authorize or enable any person to make an entry or distress, or bring an action or suit to recover any land or rent, which right of action or suit, or whose right to make such entry or distress or bring such action or suit is, or except for this Act would be barred by any other Act of the Legislature of St. Vincent.

No. 84.
31st January, 1851.

CL. XXXIV.
No Descent, warranty, &c., to bar a right of entry.

CL. XXXV.
Money charged upon Land and Legacies to be deemed satisfied at the end of Twenty Years if there shall be no interest paid or acknowledgment in writing in the meantime.

CL. XXXVI.
No Arrears of Dower to be recovered for more than six years.

CL. XXXVII.
No Arrears of Rent or interest to be recovered for more than six years.

CL. XXXVIII.
Act to extend to the Spiritual Courts.

CL. XXXIX.
No right of action or suit or of entry to be revived or re-created by the Act which would have been barred.

No. 85.

An Act to simplify the Transfer of Property.

[11th February, 1851.]

FOR SIMPLIFYING the Assurance of Property by Deed; *Be it enacted* by the Governor, the Council, and Assembly of the Island of St. Vincent and its Dependencies, and by the authority of the same, as follows, that is to say:

That the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act

CL. I.
Meaning of words defined.

No. 85.
11th February, 1851.

Land.

Conveyance.

Person.

CL. II.
Freehold land may be conveyed by Deed without livery of seizin or prior [bargain and sale]? *lease*.

CL. III.
Partitions, exchanges, &c., to be by Deed.

CL. IV.
Leases and Surrenders in writing to be by Deed.

CL. V.
Contingent interests may be conveyed by Deed.

CL. VI.
No implied warranty to be created by "Grant" or "Exchange."

CL. VII.
No Conveyance to operate by Wrong or have greater effect than a Release.

CL. VIII.
Contingent Remainders abolished; Executory Devise and Estates existing, Contingent Remainders to continue.

shall exclude such construction, be interpreted as follows (that is to say): the word "Land" shall extend to Messuages, Lands, Tenements, and Hereditaments, whether corporeal or incorporeal, and to any undivided share thereof, and to any estate or interest therein, and to money subject to be invested in the purchase of Land, or any interest therein; the word "Conveyance" shall extend to a feoffment, grant, release, surrender, or other assurance of Freehold Land: the word "Person" shall extend to a Corporation as well as to an individual.

That every person may convey by any Deed, without livery of seizin or a prior Lease, all such Freehold Land as he might before the passing of this Act have conveyed by Lease and Release, and every such Conveyance shall take effect as if it had been made by Lease and Release.

That no partition, or exchange, or assignment of any freehold or leasehold Land shall be valid at Law unless the same shall be made by Deed.

That no Lease in writing of any Freehold or Leasehold Land, or Surrender in writing of any freehold or leasehold Land shall be valid as a Lease or Surrender unless the same shall be made by Deed; but any agreement in writing to let or to surrender any such land shall be valid and take effect as an agreement to execute a Lease or Surrender, and the person who shall be in the possession of the land in pursuance of any agreement to let may, from payment of rent or other circumstances, be construed to be a tenant from year to year.

That any person may convey, assign, or charge by any Deed any such contingent or executory interest, right of entry for condition broken, or other future estate or interest as he shall be entitled to or presumptively entitled to in any Freehold or Leasehold Land or personal property, or any part of such interest, right, or estate respectively; and every person to whom any such interest, right, or estate shall be conveyed or assigned, his heirs, executors, administrators, or assigns, according to the nature of the interest, right, or estate, shall be entitled to stand in the place of the person by whom the same shall be conveyed or assigned, his heirs, executors, administrators, or assigns, and to have the same interest, right, or estate, or such part thereof as shall be conveyed or assigned to him, and the same actions, suits, and remedies for the same as the person originally entitled thereto, his heirs, executors, or administrators, would have been entitled to if no Conveyance, Assignment, or other disposition thereof, had been made: *Provided*, That no person shall be empowered by this Act to dispose of any expectancy which he may have as heir, or heir of the body inheritable, or as next of kin under the Statutes for the Distribution of the Estates of Intestates, of a living person, nor any estate, right, or interest to which he may become entitled under any Act thereafter to be executed, or under the Will of any living person, and no Deed shall, by force of this Act, bar or enlarge any estate tail; *Provided also*, That no *choses en action* shall by this Act be made assignable at Law.

That neither the word "Grant," nor the word "Exchange" in any Deed shall have the effect of creating any warranty or right of re-entry, nor shall either of such words have the effect of creating any covenant by implication, except in cases where, by any Act of Parliament or by any Act of the Legislature of this Colony, it is or shall be declared that the word "Grant" shall have such effect.

That no Conveyance shall be voidable only, when made by feoffment or other assurance, where the same would be absolutely void if made by release or grant; and that no assurance shall create any Estate by Wrong, or have any other effect than the same would have if it were to take effect as a release, surrender, grant, lease, bargain, or sale, or covenant to stand seized (as the case may be).

That after the time at which this Act shall come into operation no Estate in Land shall be created by way of Contingent Remainder, but every Estate which before that time would have taken effect as a Contingent Remainder shall take effect (if in a Will or Codicil) as an Executory Devise, and (if in a Deed) as an Executory Estate of the same nature and having the same properties as an Executory Devise; and Contingent

Remainders existing under Deeds, Wills, or Instruments, executed or made before the time when this Act shall come into operation shall not fail or be destroyed or barred merely by reason of the destruction or merger of any preceding Estate, or its determination by any other means than the natural effluxion of the time of such preceding Estate, or some event on which it was in its creation limited to determine.

That when any person entitled to any Freehold Land by way of Mortgage has or shall have departed this life, and his executor or administrator is or shall be entitled to the money secured by the Mortgage, and the legal Estate in such land is or shall be vested in the Heir or Devisee of such Mortgagee, or the heir, devisee, or other assignee of such heir or devisee, and possession of the land shall not have been taken by virtue of the Mortgage, nor any action or suit depending, such executor or administrator shall have power, upon payment of the principal money and interest due to him on the said Mortgage, to convey by deed or surrender (as the case may require) the legal Estate which became vested in such heir or devisee; and such conveyance shall be as effectual as if the same had been made by any such heir or devisee his heirs or assigns.

That the *bonâ fide* payment to and receipt of any person to whom any money shall be payable, upon any express or implied Trust, or for any limited purpose, or of the survivors or survivor of two or more Mortgagees or holders, or the executors or administrators of such survivor or their or his assigns, shall effectually discharge the person paying the same from seeing to the application or being answerable for the misapplication thereof, unless the contrary shall be expressly declared by the instrument creating the Trust or Security.

That it shall not be necessary in any case to have a Deed indented, and that any person not being a party to any Deed may take an immediate benefit under it in the same manner as he might under a Deed Poll.

That, where the Reversion of any Land expectant on a Lease shall be merged in any remainder or other reversion or Estate, the person entitled to the Estate into which such reversion shall have merged, his heirs, executors, administrators, successors, and assigns shall have and enjoy the like advantage, remedy, and benefit against the Lessee, his heirs, successors, executors, administrators, and assigns for non-payment of the rent, or for doing of waste or other forfeiture, or for not performing conditions, covenants, or agreements, contained and expressed in his Lease, Demise, or Grant, against the Lessee, Farmer, or Grantee, his heirs, successors, executors, administrators, and assigns, as the person who would for the time being have been entitled to the mesne reversion which shall have merged would or might have had and enjoyed if such reversion had not been merged.

That this Act shall commence and take effect from the 1st day of March, 1851, and shall not extend to any Deed, Act, or thing executed or done, or (except so far as regards the provision hereinbefore contained as to existing Contingent Remainders) to any Estate, right, or interest created before the last-mentioned day.

No. 85.
11th February, 1851.

CL. IX.
Executor or Administrator of Mortgagee empowered, on discharge of mortgage, to convey the legal mortgage vested in the heir or devisee.

CL. X.
Receipt of Trustees to be effectual discharges.

CL. XI.
Indenting a Deed unnecessary.

CL. XII.
The remedies for the rent and covenants in a lease not to be extinguished by the merger of the immediate reversion.

CL. XIII.
Act to commence from 1st March, 1851.

No. 86.

An Act to regulate Vestries in the Island of St. Vincent and its Dependencies; to repeal a certain Act of the Legislature, entitled "An Act for regulating the Vestries in this Island, empowering them to raise Taxes within their respective Parishes, and directing the application of the same, and to fix certain Fees;" and part of an Act to provide for the care of the Public Register of Marriages, Baptisms, and Burials, and to make the same a Public Record; and to settle the Fees payable to the Rector of St. George and St. Andrew.

[1st August, 1851.]

WHEREAS it is necessary to amend the Law regulating Vestries, to abolish Baptismal and Burial Fees, to grant compensation to the present Incum-

No. 86.
1st August, 1851.

CL. I.
Repeals certain Acts.

CL. II.
Justices to issue Warrants for Election of Vestrymen.

CL. III.
Committee of Management for Chapels.

CL. IV.
Elections of Committees of Management for Chapels.

bents in lieu thereof, and for that purpose to repeal certain Acts of the Legislature: *Be it therefore enacted* by the Officer administering the Government, the Council, and Assembly of the Island of St. Vincent and its Dependencies, That an Act, made and passed in the seventh year of the reign of His late Majesty George the Third, entitled "An Act for regulating the Vestries in this Island, empowering them to raise Taxes within their respective Parishes, and directing the application of the same," and so much of an Act, entitled "An Act to provide for the care of the Public Registrar of Marriages, Baptisms, and Burials, and to make the same a Public Record, and to settle the Fees payable to the Rector of St. George and St. Andrew," as relates to the fees payable to the Rector, shall be and the same are hereby repealed.

That any two Justices of the Peace in each parish, by the appointment of the Governor, shall issue their Warrant to the Constables of the parishes having churches, and for the Grenadines, to summon the freeholders thereof, to meet at the Courthouse for the parishes of St. George and St. Andrew, and at the churches in the other parishes, and in the Island of Bequia, on such day in the second week in January in each and every year as the Justices shall appoint, between the hours of eleven o'clock in the forenoon and two o'clock in the afternoon, for the Election of five Vestrymen, each being possessed of land or houses in fee or for life of the annual value of Forty Pounds, or of an annual income of not less than Two Hundred Pounds, and who with the Rector or Officiating Minister of the parish or parishes shall constitute and be a Vestry for the parish or parishes respectively; and the said Vestry so constituted shall within two days next ensuing meet and nominate two persons out of their number to serve the office of Churchwardens, and some other proper person, not of their number, to be Clerk of the said Vestry, of which Vestry any four shall be a quorum, sufficient to transact business; the qualification of Vestrymen to be established by Oath to be administered by one of the Justices taking the poll: *Provided always*, That the election of the several Vestries, and of the Committee of Management for the Chapels and other places of worship, hereinafter provided for, for the present year one thousand eight hundred and fifty-one, shall take place in the manner herein provided for within twenty-one days after the passing of this Act.

And whereas it is expedient to make provision for the observance of good order in the several Chapels and other places of Public Worship in this Island in which Divine Service is celebrated according to the rites of the United Church of England and Ireland (the several Parish Churches excepted), and for the peaceably seating and accommodating the persons resorting thereto for Public Worship: *Be it enacted*, that the Rector of the parish, or the Licensed Minister for the time being of each Chapel or other place of Public Worship as aforesaid, together with three of the renters of pews, sittings, or seats in the same, shall be and they are hereby constituted and appointed to be a Committee of Management of such Chapel or other place of Worship as aforesaid, with the power and authority of making Rules and Regulations respecting the pews, sittings, and seats of such Chapels, and also, from time to time, as they shall see proper to alter such Rules and Regulations and to substitute others in their stead.

That the Election of the Committee of Management of each such Chapel or other place of Public Worship as aforesaid shall be holden on the twenty-fifth day of March in each year, unless the same shall happen to fall on a Sunday, and in that case on the ensuing Monday, between the hours of twelve o'clock in the morning and three o'clock of the afternoon, at the School-room (if any) or some convenient place in each parish other than the Chapel or such other place of Public Worship; of which due notice shall be given on the two preceding Sundays, and that no person shall be qualified to be elected or to vote at such Election who has not paid his pew rent in advance to the first day of March then next ensuing: and it shall and may be lawful for any person qualified as aforesaid to open and take the Poll at such Election, a return of which shall be made to the Rector of the parish or to the Licensed Minister of such Chapel or other place of Public

Worship, to be deposited and kept in the Records of such Chapel or other place of Public Worship; and in the event of there being no Election on the day hereinbefore appointed, then the persons last elected shall continue to exercise all the rights and powers of the Committee of Management until a new Election shall have taken place; and if any person chosen as a Committee-man for any Chapel or other place of Worship as aforesaid shall refuse or neglect to act as such, it shall be lawful for the remaining Committee-man or Committee-men, if any, and if not then for the person taking the Poll, and in case of his death, absence, or refusal to act, then for the Officiating Minister of the Chapel or place of Worship in respect of which such Committee-man or Committee-men so refusing or neglecting to act shall have been elected, within five days after such neglect or refusal of any Committee-man to act, to nominate the person or persons next in order on the Poll, and on notice to him or them given by the remaining Committee-man or Committee-men, or by the said person so taking the Poll, or by the said Minister, as the case may be, they and he shall be liable to serve in the said Office with the like powers and under the like penalties as hereinbefore provided in case of a Committee-man originally elected.

That all persons duly elected Vestrymen, and such Vestrymen as shall be chosen Churchwardens, and all Committee-men who shall neglect or refuse to serve in the said Offices, shall forfeit Five Pounds, and the person whose name shall stand next in seniority on the Poll after the name of the last of such five men shall be declared in Vestry to be a Vestryman in the place of the man who shall so neglect or refuse to serve in the office of Vestryman as aforesaid, and so on, *toties quoties*, until there shall be no name on the Poll; and if it should happen that there be no other name on the Poll besides the names of the men so elected, it shall be lawful for the Officer administering the Government, within five days after notice from the Rector or Officiating Minister of any Parish or Parishes, to appoint two Justices of the Peace to proceed, in manner aforesaid, to the election of a Vestryman or Vestrymen of the Parish or Parishes in which any such Vestryman so elected to serve as aforesaid shall have neglected or refused to serve in the office of Vestryman, who are hereby required, within two days, to issue their Warrant to any Constable in such parish or parishes to summon the Freeholders to meet at such places and times respectively as aforesaid within five days for the Election of such Vestrymen or Vestryman in the place of any Vestrymen or Vestryman who shall neglect or refuse to serve as aforesaid; and if the said Vestrymen or any of them shall neglect to attend any meeting, upon due notice thereof being given by summons from the Minister and Churchwardens or any two of them, without a reasonable or lawful excuse to be adjudged of by the parties summoning, he or they shall forfeit and pay the sum of One Pound for every such default; *Provided always*, That no person shall be obliged to serve for two successive years but by his own consent.

That every person nominated as a Vestryman shall at the time of being put in nomination, if thereunto required by a Freeholder present, take the following Oath, to be administered by the Justices holding the election at which such Vestryman shall be put in nomination:—*I A. B. do swear that I am duly qualified by Law to serve the office of Vestryman for the parish of [stating the name of parish].*

That if any person elected to serve the office of Vestryman or Committee-man shall die, or be absent from the Island for any period exceeding three months during the period for which he shall be elected to serve in such offices respectively, it shall be lawful for the remaining Vestrymen or Committee-men to proceed, at any time after the expiration of such three months, to fill up any such vacancy by declaring the person whose name shall stand next in seniority on the Poll after the name of the last of such men declared to be Vestrymen, or after the name of the last of such three men declared to be Committee-men, to be a Vestryman or Committee-man in the place of the Vestryman or Committee-man who shall so die or be absent from the Island; and if it shall happen that there be no other name on such Poll, it shall be lawful for the remaining Vestrymen or Committee-men, or

No. 86.
1st August, 1851.

CL. V.
Penalty for neglect or refusal to serve on Vestries.

CL. VI.
Oath to be taken by person nominated a Vestryman.

CL. VII.
Vacancy in Vestries by death or absence to be supplied.

No. 86.
1st August, 1851.

CL. VIII.
Pews to be let, and in
what manner.

CL. IX.
Rent of Pews.

CL. X.
Rent of Pews, &c.,
when, and to whom
paid.

CL. XI.
Appropriation of mo-
neys from sale of Pews
in Kingstown Church.

CL. XII.
Appropriation of mo-
neys from sale of Pews
in [other] churches and

for one only if one shall remain, to execute and perform all the powers and duties of the Vestry or Committee, as the case may be.

That the several Vestries and Committees of Management shall, within ten days after their appointment, let the Pews and seats in the respective churches and chapels to the highest bidders for the same, such letting of the Pews and seats in Kingstown Church to take place at the Court-house, and the Pews and seats of the other churches and chapels in the respective vestry-rooms between the hours of eleven and three of the clock of the day appointed for such letting; and public notice of such letting of Pews and seats shall be given in the 'Gazette.'

That no Pew in the lower part of Kingstown Church shall be let for less than Forty Shillings, nor in the Gallery for less than Twenty Shillings, and all the Cribbs and seats in the centre Aisle shall be sold at the upset price of Five Shillings for each sitting.

That every person who shall agree to become the Annual Renter of a Pew or seat shall pay the Rent agreed upon into the hands of the Churchwardens or Committee of Management for the time being, or some person appointed by them to receive the same, either at the time of becoming the Renter of such Pew or seat or within six weeks thereafter; and upon failure to make such payments as aforesaid the Pew so agreed to be rented shall be deemed and considered vacant, and shall be relet by the Churchwardens or Committee, as the case may be, at such time and place as they shall appoint; and on any such second letting of a Pew or seat the Rent shall be payable by the party taking the same at the time of renting; and if any person shall, notwithstanding the provision hereby made for payment of the Rent of the Pew or seat, in the several Churches and Chapels in this Government, occupy a Pew or seat in any of the said churches or chapels within the said Government without paying such Rent as aforesaid, and after notice by the Churchwardens or Committee of Management, such person shall be liable to pay to the Churchwardens or Committee of the church or chapel in which such Pew or seat shall be double the amount of the Rent at which the Pew or seat so occupied was agreed to be rented; or if not agreed to be rented, then double the Rent which the Churchwardens or Committee shall demand as hire for the said Pew or seat, such double Rent to be deemed and considered a debt due to the Churchwardens or Committee for the time being, and to be recovered as any other debt is by law recoverable in the said Island; and if the said Churchwardens or Committee of Management shall refuse or neglect to institute proceedings for the recovery of the amounts due, they shall be charged with and be liable to pay to their successors in Office the respective amounts outstanding, to be recovered by the succeeding Churchwardens or Committee of Management by action, suit, or plaint in their names, unless it shall be made to appear that all due diligence had been used to recover such Pew Rent.

That all Moneys arising from the sale of Pews and Seats shall be applied by the Churchwardens of the Kingstown Church in the following order; in payment of the necessary Vestments for the officiating Clergy; Elements for the celebration of the Sacraments; and [to] the following Salaries:—To the Organist, Eighty-three Pounds Six Shillings and Eightpence; to the Organ-blower, Ten Pounds Sixteen Shillings and Eightpence; to the Beadle and Sexton, Sixty-two Pounds Ten Shillings, including all charges and expenses for cleaning and keeping clean the church and church-yard; to the Vestry Clerk, Fifteen Pounds; to the Clock-keeper, Ten Pounds Sixteen Shillings and Eightpence, including keeping the clocks in repair; and any balance remaining in the hands of the Churchwardens after defraying the foregoing expenses shall be applied towards lighting the church, purchasing necessary books, and to the general purposes and expenses of the church: *Provided*, That on the present Organist ceasing to hold the said office, the salary payable to any future Organist shall be Fifty Pounds.

That the Churchwardens (except the Churchwardens for the Kingstown Church) and the Committees of Management shall apply all moneys raised by virtue of this Act, and all donations made to the several Churches

and Chapels, in defraying the salaries of the Officers as fixed by the respective Vestries, and such other contingent expenses as provided for in the case of Kingstown Church, by and with the consent of the respective Vestries ; and the Churchwardens and Committees of Management in the several parishes shall, at all times when required by the Vestry, render just and true accounts of all moneys received, paid, and expended by them ; and ten days after the expiration of their offices shall finally balance their accounts, and deliver them to their successors in office, and pay over to their successors the balance remaining in their hands, under a penalty of Fifty Pounds for each neglect or refusal ; and an Abstract of all the said accounts, including the accounts of the Kingstown Church, shall be laid before the Legislature at the Quarterly meeting in the month of January in each and every year by such Churchwardens and Committees of Management respectively.

That when there shall be any surplus arising from the sale of Pews, after defraying the necessary expenses of the Church or Chapel, in the hands of the Churchwardens of any of the Churches, or the Committee of Management of any Chapel of this Island, it shall be lawful to apply such surplus in and for the maintenance of the Schools attached to the said churches and chapels respectively in such manner as the Vestry of each church or Committee of Management of such chapel shall direct ; a Return whereof shall be made to the Legislature in like manner as hereinbefore provided for with respect to the accounts of the several churches and chapels.

That the several Churchwardens and Committees of Management shall allot and appropriate the Pews and seats in the churches and chapels in the following manner (that is to say) : To the use of such persons as shall pay the rent or hire as hereinbefore mentioned, the Churchwardens of Kingstown reserving a proper proportion of seats in the South Gallery of the Kingstown Church for the Noncommissioned Officers and Privates of Her Majesty's Garrison ; and in all the churches and chapels a Pew for the accommodation of strangers, and a proportion of seats for poor persons, according to the judgment and discretion of the Vestries and Committees of Management : *Provided always*, That nothing herein contained shall extend to the Pews in the Kingstown Church now made use of by the Officer administering the Government, the Members of the Council and Assembly, and the Officers composing the Garrison of the said Island of St. Vincent ; and in all the Churches and Chapels to the Pews made use of by the Rectors or persons performing the duties, or their respective families.

That proper Books for each parish shall be provided at the parish expense wherein the Minister resident, and in case there should be none the Churchwardens, shall register or cause to be registered by the Clerk of the Vestry the times of the Baptism, and the date of the Births, Marriages, and Burials of all persons that shall from time to time be baptized, married, or buried within any of the parishes, under a penalty of One Pound for each default, to be levied and applied as herein provided ; and the Clerk or person who shall register the same shall have and receive, for every such entry, the fee mentioned in the Docket to this Act annexed and no more ; and for a copy of an entry, to be attested by the Minister resident, or if there should be none by the Churchwardens, the like sum.

That a true copy from the said Registers, attested as aforesaid, shall be deemed and adjudged as good evidence of all Baptisms, Marriages, and Burials in all Courts of Record in this Island ; and if any person shall make or cause to be made any false Entry, or give or cause to be given any false Certificate of attestation, the person so offending shall forfeit and pay the sum of Twenty Pounds, to be levied and applied as herein provided.

That the Ministers of the several parishes and Churchwardens shall, once in each year, cause a copy to be made of all the entries in the several Registers for the current year, and shall certify the same under their hands under a penalty of Ten Pounds, to be levied and applied as herein provided ; which said copy shall be duly recorded in the Registrar's Office in Ordinary in this Island, and a copy thereof certified by the Registrar in Ordinary shall be as good evidence as a copy from the original Register.

No. 86.
1st August, 1851.

pels, other than Kingstown Church.

CL. XIII.

Surplus money arising from Pew rents to be applied to support of Schools as Vestry shall direct.

CL. XIV.

Appropriation of Pews, and Committees of Management.

CL. XV.

Books of Registry of Baptism, Burials, and Marriages.

CL. XVI.

Copies from Registers good evidence.

CL. XVII.

Copy of Registries to be recorded in the Office of Registrar in Ordinary.
Fee of Registrar.

No. 86.
1st August, 1851.

CL. XVIII.
Compensation to Rec-
tors on abolition of
Fees.

And whereas it is deemed expedient to give a Fee on Marriages, and to grant an annual sum of money in future to the present Incumbents in lieu of Baptismal and Burial fees; *Be it therefore enacted*, that there shall be paid to the present Rectors of the several parishes in this Government, during the time they shall hold their present livings, the following annual sums of money, in lieu of Baptismal and Burial fees (that is to say): to the Rector of the parishes of St. George and St. Andrew, the sum of One Hundred and Fifty Pounds; to the Rector of Charlotte parish, Forty Pounds; to the Rector of St. Patrick and St. David, Twenty-five Pounds; to the Rector of the Grenadines, Twenty-five Pounds.

CL. XIX.
Mode of Procedure on
Information, &c.

That any Information and Complaint, or Charge may be exhibited by any person against any other person for having committed any offence contrary to the provisions of this Act, before any Police Magistrate appointed to act within the said Government, or before any Justice of the Peace assigned to keep the Peace in and for the said Island of St. Vincent and its Dependencies; and such Information and Complaint, or Charge, shall be heard and determined by such Police Magistrate, or by any two such Justices of the Peace; and the mode of procedure and of enforcing the payment of any fine and the payment of costs shall be according to the provisions of "The Police Act, 1849."

CL. XX.
Imprisonment on non-
payment of Fines.

That in all cases in which a Fine or Penalty imposed upon any person for any offence against any of the provisions of this Act shall be for any sum not exceeding Twenty Pounds, such person, in default of payment of any such Fine and Costs, shall be imprisoned in the Common Gaol at Kingstown in the said Island of St. Vincent for any time not exceeding the period of six months, unless such Fine and Costs be sooner paid; and in cases in which the Fine or Penalty imposed upon any person for any offence against any of the provisions of this Act shall be for any sum not exceeding the sum of Five Pounds and the costs of conviction, such person, in default of payment of such last-mentioned Fine and Costs, shall be imprisoned for any time not exceeding the period of three months, unless such last-mentioned Fine and Costs be sooner paid.

CL. XXI.
Fines how disposed of.

That one half of all Fines and Penalties imposed by virtue of the provisions of this Act shall be paid to the person who shall exhibit the Information and Complaint or make the Charge, and who shall be a competent witness; and the other half to the use of Her Majesty, her heirs and successors, to be paid to the Treasurer for the public uses of these Islands.

CL. XXII.
Interpretation Clause.

That the word "Governor" shall apply to the person in the lawful administration of the Government of the Island of St. Vincent and its Dependencies; words importing the singular number shall include the plural number; words importing the plural number shall include the singular number; and words importing the masculine gender shall include females.

CL. XXIII.
Rectors, Clerks, and
Sextons to be entitled
to Fees specified in
Docket.

That the Rectors, Clerks, and Sextons shall be entitled to demand and receive the several Fees specified in the Docket subjoined to this Act, and no other or greater Fees.

SCHEDULE.

DOCKET OF FEES.

Rector's Fees.

For every Marriage by Licence	One Pound.
For every Marriage by Banns	Five Shillings.
Certified Extract from Register of Baptisms, Burials, or Marriages	Two Shillings.

Sexton's Fees.

For every attendance at every Interment, including opening the grave	Two Shillings.
--	----------------

Clerk's Fees.

For the Registration of every Marriage, Baptism, or Burial	One Shilling.
--	---------------

No. 87.

An Act further to alter and amend "An Act for regulating the Proceedings at Elections of Members to serve in the General Assembly of the Island and Government of St. Vincent and its Dependencies for determining the Qualifications of Members and Electors, and for repealing the Act of the said Island therein mentioned."

[29th April, 1852.]

WHEREAS under and by virtue of the Act of the Island of St. Vincent and its Dependencies commonly called "The Election Act," and published the thirtieth day of November, one thousand eight hundred and forty-three, *It is, amongst other things, provided, That where Income, wholly or in part, is the qualification for a Candidate, or where parties claim to vote in respect of Income, such persons shall, if thereto required, produce the receipt of the Treasurer or his lawful Deputy for the taxes paid on such Income for the year preceding the date of the Writ under which the Election is holden, such year ending the thirty-first day of December next before the date of the said Writ: And whereas experience has shown that, in the event of no Annual Tax Act having been passed, the above enactment cannot be carried out; Be it therefore enacted by the Governor, Council, and Assembly of the said Island of St. Vincent and its Dependencies, that so much of the said recited Act shall be and is hereby repealed.*

CL. I.
[Clause repealed.]

That any Candidate claiming to be elected as a Representative on Income, whether wholly or in part, shall produce the receipts given by the Treasurer of this Government or his lawful Deputy for the taxes paid by such person on such income, or a certificate, under the hand of the said Treasurer or his lawful Deputy, of taxes requisite in amount to qualify such Candidate having been paid under the last Tax Act next before such Election, and under which taxes shall have been levied and paid.

CL. II.
[Certificate of payment of Taxes in former years to qualify Candidates.]

That persons claiming to vote shall be authorized and entitled to do so on producing a certificate from the Treasurer or his lawful Deputy, of such person claiming to vote as aforesaid having paid, under the last Tax Act as hereinbefore mentioned, the taxes which qualify or entitle a party to vote.

CL. III.
[Same as to Electors.]

And whereas Representatives are unable to resign their seats, which it is desirable they should be permitted to do; Be it enacted, That any Representative who has already or shall hereafter tender his resignation in writing shall be permitted to resign or vacate his seat; in which case a new Writ shall issue for the Election of a Member, as in the cases provided for by the twenty-third Clause of "The Election Act."

CL. IV.
[Members may resign their seats.]

* * * * *

CL. V.
[Had effect.]

No. 88.

An Act to authorize the Importation into the Government of the Island of St. Vincent and its Dependencies of Books being foreign Reprints of Books first composed, or written, or printed, or reprinted or published in the United Kingdom of Great Britain and Ireland, and in which there may be any Copyright.

[29th April, 1852.]

WHEREAS by the seventeenth Clause of an Act of the Imperial Parliament passed in the fifth and sixth year of the reign of Her present Majesty, and intituled "An Act to amend the Law of Copyright," *it is among other things enacted, "That it shall not be lawful for any person, not being a proprietor of the Copyright or some person authorized by him, to import into any part of the United Kingdom, or into any other part of the British Dominions for sale or hire, any printed Book first composed or written or printed and published in any part of the said United Kingdom, wherein there shall be Copyright, and reprinted in any country or place whatsoever out of the British dominions: And whereas by the ninth Clause of an Act*

5 & 6 Vict. c. 45, s. 17.

No. 88.
29th April, 1852.
8 & 9 Vict. c. 93, s. 9.

10 & 11 Vict. c. 95,
s. 1.

of the Imperial Parliament passed in the eighth and ninth year of the reign of Her present Majesty, and intituled "An Act to regulate the Trade of British possessions abroad," *It is among other things enacted*, "That any Books wherein the Copyright shall be subsisting, first composed, or written or printed in the United Kingdom and printed or reprinted in any other country, shall be and are hereby (by the said now in part recited Act) absolutely prohibited to be imported in the British possessions abroad : " *And whereas*, by the first Clause of an Act of the Imperial Parliament, passed in the tenth and eleventh year of the reign of Her present Majesty, and intituled "An Act to extend the law relating to the protection in the Colonies of works entitled to Copyright in the United Kingdom ;" after in part reciting so much of the Acts as are hereinbefore in part recited, *It is among other things enacted*, "That in case the Legislature, or proper Legislative Authorities in any British Possession shall be disposed to make due provision for securing or protecting the rights of British Authors in such Possession, and shall pass an Act or make an Ordinance for that purpose, and shall transmit the same in the proper manner to the Secretary of State in order that it may be submitted to Her Majesty ; and in case Her Majesty shall be of opinion that such Act or Ordinance is sufficient for the purpose of securing to British Authors reasonable protection within such possession, it shall be lawful for Her Majesty, if she think fit so to do, to express her Royal approval of such Act or Ordinance, and thereupon to issue an Order in Council declaring that, so long as the provisions of such Act or Ordinance continue in force within such Colony, the prohibitions contained in the aforesaid Acts, and thereinbefore (in the said now in part recited Act) recited, and any prohibitions contained in the said Acts or in any other Acts against the importing, selling, letting out to hire, exposing for sale or hire, or possessing foreign reprints of Books first composed, written, printed, or published in the United Kingdom, and entitled to Copyright therein, shall be suspended so far as regards such Colony, and thereupon such Act or Ordinance shall come into operation, except so far as may be otherwise provided therein, or as may be otherwise directed by such Order in Council, anything in the said last recited Act (therein last recited) or in any other Act to the contrary notwithstanding : " *And whereas* it is expedient and will be highly beneficial to permit the importation into the Government of the Island of St. Vincent and its Dependencies of all Books so prohibited as aforesaid, subject to the restrictions contained in the last-mentioned in part recited Act and to the provisions hereinafter contained : *Be it enacted* by the Governor, the Council, and Assembly of the Island of St. Vincent and its Dependencies, that from and after the publication of this Act it shall be lawful to import into the said Government all Books whatever, bound or unbound or in stitch, from whatever part of the world the same shall be imported, being Books printed or reprinted from Books first composed or written, or printed or reprinted or published in the United Kingdom, notwithstanding the Copyright in such Books shall be still subsisting.

CL. I.
Foreign Reprints of Books under Copyright in the United Kingdom may be imported.

CL. II.
Construction of the word "Books."

CL. III.
Mode of citing this Act.

CL. IV.
An *ad valorem* duty of 20 $\frac{1}{2}$ per cent. to be paid on reprinted Books imported into this Government.

That in the construction of this Act, the word "Book" shall be construed to mean and include every Volume, Part, or Division of any Volume, Pamphlet, Review, Magazine, Periodical Work, sheet of letterpress, and Dramatic Piece ; and the words "Dramatic Piece" shall be construed to mean and include every Tragedy, Comedy, Play, Opera, Farce, or other scenic, musical, or dramatical entertainment.

That in citing this Act in other Acts of the Legislature of the said Island, and in all legal instruments and other proceedings, it shall be sufficient to use the words or expression "The Copyright Act, 1852."

That upon the importation into this Government of any Book (being a Reprint of a work first composed, written, printed, reprinted, or published in the United Kingdom) which would, but for the provisions of this Act, be liable to be forfeited by the Acts of the Imperial Parliament securing the Copyright in such work at the time such Book may be so imported into this Government, there shall be paid an *ad valorem* Duty of Twenty per cent. on

the *bonâ fide* price of all such reprinted Books so imported in this Government: *Provided always*, That the original Book (reprint of which shall be so imported as aforesaid) shall have been duly registered according to the provisions of the said in part recited Act of the Imperial Parliament, intituled "An Act to amend the Law of Copyright;" *And provided also*, That such Duty shall not be paid on Newspapers, or other Periodical Works containing extracts only from such Books as aforesaid.

That such Duty shall be paid to the Treasurer of the said Government in like manner and at the same time as other duties are payable on goods imported into this Government; and the said Treasurer is hereby directed, in the first week in January in each and every year, to report and pay over the amount of Duty so received during the previous year to the Governor, and the Governor is respectfully requested to remit the same, together with all other sums received by the said Treasurer under the provisions of this Act, to the Commissioners of Her Majesty's Customs in London with a detailed account thereof, within one month after such report and payment from the said Treasurer, in order that such moneys may be duly paid over to the Registered Proprietor of the Copyright of such Book.

That from and after the publication of this Act it shall not be lawful for any person to import or bring, or cause to be imported or brought, into the said Government for use, sale, or hire, any such reprinted Book as in this Act mentioned and hereby made liable to Duty as aforesaid, contrary to the provisions of this Act, or to print, or knowingly to sell, publish, or expose to sale, or let to hire, or have in his possession for use, sale, or hire any such Book as aforesaid; and every such Book, so imported or brought into the said Government, used, sold, hired, printed, or knowingly sold, published, or exposed to sale, or let to hire shall be liable to be seized, forfeited, and sold, and one-half of the proceeds of the sale thereof shall be paid to the Officer of the Colonial Customs, or other Officer the duty of whom it may be to seize goods unlawfully imported or brought into the said Government, seizing the same, and the other half to such Registered Proprietor of the Copyright of such Book; and every person so offending, being duly convicted thereof before any Police Magistrate, or any two Justices of the Peace assigned to keep the peace in and for the said Island of St. Vincent and its Dependencies, shall pay a Fine not exceeding the sum of Five Pounds, together with double the price of every such Book, or be imprisoned for any time not exceeding the period of three calendar months unless in the meantime the Fine and double such price be sooner paid; and one-half of such fine and double such price shall be transmitted as aforesaid for the use of such Registered Proprietor of such Book as aforesaid.

That there shall be provided at the public expense by the Treasurer a Stamp, having and bearing upon it the words "Duty paid under Copyright Act, 1852, St. Vincent," such Stamp to be used for stamping all Books liable to Duty as herein mentioned.

That at the time of the importation and entry of any such Book as aforesaid, and hereby made liable to Duty, it shall be the duty of the Treasurer to stamp such Book as having passed his Office.

That if any person shall forge or counterfeit, or cause or procure to be forged or counterfeited any Stamp which shall have been provided by virtue of this Act, or shall forge, counterfeit, or resemble, or cause or procure to be forged, counterfeited, or resembled the impression or any part of the impression of any such Stamp as aforesaid upon any Book, or shall stamp or mark, or cause or procure to be stamped or marked any Book with any such forged or counterfeited Stamp as aforesaid, or any part of the impression of such Stamp as aforesaid, with intent to defraud the Duty hereby imposed or any part thereof, such person shall be adjudged guilty of Felony, and, on conviction, shall be liable to be imprisoned in the Common Gaol of this Island, with or without hard labour, for any period not exceeding three years.

That any Information and Complaint, or Charge, may be exhibited by any person against any other person for having committed any offence contrary to the provisions of this Act before any Police Magistrate appointed

No. 88.
29th April, 1852.

CL. V.
Duty to be paid to Treasurer, who shall pay over the same to the Governor to be remitted to Commissioners of Her Majesty's Customs in London.

CL. VI.
All Books imported contrary to the provisions of this Act to be seized and sold.

CL. VII.
Stamp to be provided and to bear the words "Duty paid," &c.

CL. VIII.
Books imported to be stamped.

CL. IX.
Persons forging Stamp to be guilty of Felony, &c.

CL. X.
The mode of procedure the same as "The Police Act, 1849."

No. 88.
29th April, 1852.

to act within the said Government, or before any two Justices of the Peace assigned to keep the peace in and for the said Island of St. Vincent and its Dependencies; and such Information and Complaint, or Charge shall be heard and determined by such Police Magistrate, or by any two Justices of the Peace; and the mode of procedure, and of enforcing the payment of any fine, and the payment of costs, shall be according to the provisions of "The Police Act, 1849," or any other Police Act then in operation.

* * * * *

CL. XI.
This Act may be altered or amended, &c.
[Had effect.]

That this Act shall not come into operation until Her Majesty's pleasure be known thereon.

CL. XII.
Suspension Clause.

No. 89.

An Act for the more easy and speedy recovery of small Debts.

[13th May, 1852.]

WHEREAS an easy and speedy method of recovering Small Debts would be highly beneficial to the inhabitants of this Island and its Dependencies, and tend materially to promote industry and support useful credit: *Be it therefore enacted* by the Officer administering the Government, the Council, and Assembly of the Island of St. Vincent and its Dependencies, that it shall and may be lawful for any person now having or who may hereafter have any Debt on simple contract or otherwise, not exceeding the sum of Five Pounds sterling (except such Debts to which it is hereinafter declared this Act shall not extend), due from any person residing in any part of the said Island and its Dependencies, to proceed in a summary manner for the recovery of any such Debt, by complaint before a Police Magistrate of the District in which the person to whom any such Debt may be due shall reside, or before a Police Magistrate of the District in which such person from whom any such Debt may be due shall reside.

CL. I.
Authorizes proceedings for recovery of Small Debts.

That upon any Complaint made to such Police Magistrate by any person to whom such Debt may be due, it shall and may be lawful for him to issue a Summons under his hand, directed to any person from whom any such Debt may be due, requiring him to appear as Defendant before such Police Magistrate at a certain time and place to be therein mentioned; and the Summons shall be served by a Special Constable hereinafter mentioned, together with the account or demand of such Debt, fourteen days at the least before the day of hearing the Complaint, by leaving a copy of the Summons, together with a copy of the account or demand thereunto annexed, with the Defendant personally, or with some person at the dwellinghouse, lodging, place of abode, warehouse, shop, shed, stall, stand, or other place of dealing, labour, or employment of the Defendant, the Special Constable at the same time producing the original Summons and account or demand, if requested: and that after such service, such Police Magistrate shall have full power and authority by virtue of this Act to hear and determine all such Complaints, and to make such Orders, Judgments, and all other proceedings between the parties touching such Complaint as such Police Magistrate shall consider to be in equity and good conscience, and according to Law; and shall and may order the payment of any such Debt or sum to be made in one sum, or by instalments at stated periods not exceeding six weeks for the payment of the last instalment, from the day of giving judgment or making such order as he shall see cause: *Provided always*, that on the nonpayment of any instalment the whole then to become due and payable; and that a note of the Judgment or Order shall be stated at the foot of the Summons, and shall include the sum to be recovered, the costs, and the mode of payment of the same; and in case the Defendant shall not attend after having been duly summoned for that purpose, or in case the Defendant shall refuse to be examined, then such Police Magistrate may examine the Complainant on oath: and it shall and may be lawful for such Police Magistrate, on the application of the Complainant, after the Judgment or Order or after the nonpayment

CL. II.
Mode of proceeding.

No. 89.
13th May, 1852.

of any instalment, forthwith to issue a Warrant of Execution under his hand and seal directed to some Special Constable, to demand of the Defendant the payment of the Debt or sum of money and costs ordered to be paid, together with such other costs as such Police Magistrate and such Special Constable may be entitled to receive for the Warrant of Execution and for making the demand; and in default of payment of the Debt or sum of money and costs, together with such other costs as aforesaid, or of any instalment after such demand, then that the Special Constable shall and may forthwith levy the Debt or sum of money then due and payable, and the costs, together with such other costs as aforesaid, as well as such further costs for executing the said Warrant of Execution, upon the goods and chattels of the Defendant; and shall and may sell the same, or so much thereof as may satisfy the Debt and all costs, at the expiration of seven days after levy, or before if the goods and chattels be of a perishable nature, or upon the request in writing of the Defendant whose goods and chattels shall be so levied upon; and until such sale, the goods and chattels shall remain in the custody of the Special Constable by whom the levy shall be made, and the Special Constable shall pay over the surplus, if any, on demand to the Defendant; and if the Defendant hath not goods and chattels sufficient to satisfy the Debt and all costs as aforesaid, or shall refuse to point out sufficient goods and chattels to satisfy the Debt and all such costs as aforesaid, then that the Special Constable shall attach the body of the Defendant, and him convey and safely deliver to the Keeper of the Common Gaol in Kingstown in the said Island, where he shall be kept for the period hereinafter mentioned, unless, in the meantime, the Debt or sum of money and all such costs as aforesaid be fully paid and satisfied; and the Special Constable, if there be goods and chattels sufficient to satisfy the Debt and all such costs as aforesaid, shall make his return, indorsed on the Warrant of Execution, to such Police Magistrate within twenty-one days from the date of the receipt thereof: *Provided always*, That if it shall appear to such Police Magistrate, upon the oath of the Complainant or one other credible witness, that the Debt is due, and that there is reasonable cause to suspect that the person from whom any such Debt shall or may be due is about to leave the said Island and its Dependencies before the expiration of fourteen days from the day of making the Complaint, then and in that case it shall and may be lawful for such Police Magistrate, on the application of the Complainant for that purpose, to issue a Warrant for the apprehension of the said Debtor, who shall at the time of the arrest of the said Debtor be served with a copy of the account or demand; and the Defendant shall be called upon to plead instant, and the Complaint shall and may in such case then, or at such time as such Police Magistrate may appoint, be heard and determined and all other consequent proceedings had thereon be fully and immediately carried into effect, unless the Defendant shall enter into recognizance, himself and one surety in the sum of Five Pounds each, for his appearance before such Police Magistrate in four days then and there to plead; when the Complaint shall be heard and determined as in other cases.

Proviso.
Parties about to leave
the Island.

That if, on the confession of the Defendant at the time of hearing the Complaint, it shall appear to such Police Magistrate that the Defendant hath not any goods and chattels whereon a levy can be made it shall and may be lawful for such Police Magistrate, on the application of the Complainant, after the Judgment or Order or after the nonpayment of any instalment, forthwith to issue a Warrant to commit the Defendant to the Common Gaol in Kingstown in the said Island, where he shall be kept for the period hereinafter mentioned, unless in the meantime the Debt or sum of money and all costs be fully paid and satisfied.

CL. III.
Warrant of Commit-
ment, if no goods.

That the names of the Complainant and Defendant, the date of entry of the Complaint, the date of hearing, and the amount for which Judgment is given, the costs and the date of Judgment, together with the date of issuing the Warrant of Execution or Commitment for such Debt or instalment as may be due, and the date when the same is wholly satisfied, shall be entered in a Book to be kept for that purpose by the Police Magistrate of each District of the said Island and its Dependencies.

CL. IV.
Record Book to be
kept.

* No. 89.
13th May, 1852.

CL. V.
Warrant in case of
dismissal.

That in case any Complaint be dismissed by such Police Magistrate the Defendant shall and may recover his costs from the Complainant on such judgment of dismissal, by warrant to demand and levy such costs, and in default [. . .] to commit the Complainant, as the case may require, in the same manner as the Complainant is enabled to recover judgment of his Debt and costs as hereinbefore mentioned : and in default of payment of the costs of dismissal and all subsequent costs it shall and may be lawful for such Police Magistrate to commit the Complainant to the said Common Gaol, there to be kept for any period not exceeding fourteen days, unless in the meantime the costs of dismissal and all subsequent costs be fully paid and satisfied.

CL. VI.
Summons for a wit-
ness.

That, on the application of any Complainant or Defendant in any Complaint under this Act made before such Police Magistrate, it shall and may be lawful for him to issue a Summons under his hand directed to any person requiring him to appear before such Police Magistrate at a certain time and place therein mentioned as a witness to be examined and to testify the truth concerning the said Complaint, to be served in the manner hereinbefore mentioned, except that the leaving a label of such Summons, as in the form set forth in the Schedule hereunto annexed or in any other similar form to the same effect instead of a copy of the same, shall be sufficient ; and in case any person so summoned as last aforesaid shall refuse or neglect to appear at the time and place in such Summons mentioned, or appearing shall refuse to be examined on oath, or to give evidence concerning the Complaint before such Police Magistrate, then and in either of such cases, and in case of absence upon proof on oath of the due service of such last-mentioned Summons, it shall and may be lawful for such Police Magistrate to order such person to forfeit and pay forthwith to such Police Magistrate, by way of penalty for every such offence, a sum not exceeding the sum of Ten Shillings, unless a reasonable excuse in case of absence be offered to and allowed by such Police Magistrate ; and if the witness so summoned as aforesaid shall not forthwith, if present, pay to such Police Magistrate the sum so ordered to be forfeited and paid by way of penalty, or if absent, such Police Magistrate shall and may forthwith issue a Warrant, under his Hand and Seal, directed as hereinbefore mentioned, to apprehend such witness, and on nonpayment of the penalty to commit him to the Common Gaol of the said Island, there to be kept for any period not exceeding seven days unless in the meantime the penalty be sooner paid, together with the costs of the due service of such Summons, order, and warrant of commitment ; and every penalty paid to such Police Magistrate, or to the Gaoler of the Common Gaol after commitment, shall be paid by them to the Treasurer of the said Island or his lawful Deputy for the uses of the said Island and its Dependencies.

CL. VII.
Allowance to witness.

That the Complainant or Defendant summoning such witness shall on demand, if demanded in the presence of such Police Magistrate, pay to such witness, if in the condition of life of a labourer or artisan and his time or wages be lost by his attendance as such witness, a sum not exceeding, for any one day, the sum of Two Shillings and Sixpence, as to such Police Magistrate shall seem fair, just, and reasonable, and the sum so paid shall be allowed as costs to the Complainant or Defendant, according to the judgment or order of such Police Magistrate.

CL. VIII.
Punishment for Per-
jury.

That in case any person shall make Oath or give evidence in any Complaint depending before such Police Magistrate whereby he shall commit Perjury, or be guilty of false swearing, and be convicted thereof according to Law, then every such person shall incur and suffer the like pains and penalties as any other person convicted of wilful and corrupt Perjury.

CL. IX.
Not to extend in cer-
tain cases.

That nothing in this Act contained shall extend to any Debt where any title to freehold or lease for years of any Land or Tenements shall come in question ; or to any Debt by specialty which shall not be for payment of a sum certain ; nor to any Debt which may exist against the estate of a deceased party, or arise by reason of any cause concerning testament ; or anything concerning or properly belonging to the Ecclesiastical Court, although the same respectively do not exceed the sum of Five Pounds sterling, anything herein contained to the contrary notwithstanding : *Provided*

always, That no sum of money shall in any case be recoverable under this Act if the same be the balance of any account the total amount of which ever exceeded the sum of Twenty Pounds.

That nothing herein contained shall extend to prevent any person from making Distress, and thereby recovering such Rent, although the said Rent should not exceed the sum of Five Pounds; but such Rent, if the same do not exceed the sum of Five Pounds, may nevertheless be recovered under this Act, if the title to the hereditaments and premises rented shall not come into question.

That any Defendant who shall be proceeded against under this Act shall be allowed to plead or claim the benefit of any Statute of Limitation now in being and in force in the said Island and its Dependencies, or hereafter to be enacted and made, or of any Plea of Infancy, or Coverture, or Set-off, or any other lawful plea, which may be pleadable in the Supreme Court of Judicature, and the same shall respectively be pleadable, on terms; and any Defendant pleading or claiming such benefit shall have and receive such and the like advantages and relief as such Defendant would have been entitled to in case this Act had not been made and he had been sued for the same debt in the Supreme Court of Judicature, and had pleaded such Statute or Act, or such Plea or Pleas, in bar of the Complaint: *Provided always*, That four clear days' notice be given to the Complainant of the intention of the Defendant so pleading or claiming such benefit, except as hereinbefore provided for; *And provided also*, That this notice shall be dispensed with in cases where parties are arrested on the ground that they are about to leave the Island.

That any Defendant committed to the said Common Gaol by virtue of this Act shall be there kept for no longer period of time, from the time of his commitment, than is hereafter limited, that is to say: when the debt or sum stated in the Warrant of Execution, exclusive of costs, does not exceed the sum of Fifty Shillings, then he shall not be there kept for more than fourteen days; and when the debt or sum stated in the Warrant of Execution, exclusive of costs, exceed the sum of Fifty Shillings, then not for more than thirty days from the time of his commitment; and the Keeper of the said Common Gaol is hereby required to discharge such Defendant accordingly without any other order or authority whatever: *Provided always*, That no imprisonment under this Act shall in anywise operate as satisfaction or extinguishment of any debt or demand; and that such [?] Police Magistrate shall and may at any time after such imprisonment, on the application of the Complainant, issue another Warrant of Execution to levy upon the goods and chattels of the Defendant, which shall remain in force until the Judgment obtained against him and all costs be fully paid and satisfied; but it shall not be lawful for the Defendant to be imprisoned a second time for one and the same Judgment.

That all Summonses, Judgments, Orders, Warrants of Distress, Levies, Commitments, and other proceedings necessary fully to carry into effect and operation the purposes of this Act shall have the same force, power, and effect in any other Police District of the said Island and its Dependencies as they would have in the Police District in which the Complaint shall be made.

That any person committed to the said Common Gaol by virtue of this Act shall be supported at the expense of the Public during the period of his imprisonment; and for which purpose the same sum shall daily be allowed and paid as in the case of other persons committed to Gaol by such Police Magistrate for offences.

That it shall and may be lawful for such Police Magistrate to administer such Oath or Oaths as may be necessary for carrying into effect the purposes of this Act.

That the Fees payable to such Police Magistrate for such Summons or Summonses as aforesaid shall be paid at the time of making the Complaint or lodging the Account or Demand and a copy thereof; and it shall and may be lawful for such Police Magistrates to refuse to do any act for which any Fee shall be demandable unless such Fee shall be first paid.

No. 89.
13th May, 1852.

CL. X.
Not to prevent making
Distress.

CL. XI.
Special Pleas allowed

CL. XII.
Period of Imprison-
ment and Discharge.

CL. XIII.
Proceedings in one
District valid in all.

CL. XIV.
Support of parties in
prison.

CL. XV.
Authorizing to ad-
minister Oath.

CL. XVI.
Fees to be paid, and
when.

No. 89.
13th May, 1852.

CL. XVII.
Special Constables to
be appointed.

And whereas it is expedient, in order to carry out the provisions of this Act, that a fit and proper person or fit and proper persons be appointed Constable or Constables in each Police District of the said Island and its Dependencies for the purposes of this Act: *Be it therefore enacted*, That for the purposes of this Act every Police Magistrate shall make out a List of persons in his District, not exceeding five in number, who can read and write and who shall be sufficiently discreet for the purpose, and shall, within ten days from the passing of this Act, make a return of such persons to the Governor, who is hereby authorized and empowered to appoint, by and with the advice and consent of the Privy Council, fit and proper persons from such lists in each Police District to act as Special Constable, respectively, for the purposes of this Act; and every person so appointed shall be sworn in by the Police Magistrate of the District to which he is appointed to execute all and every the duties of a Special Constable under and by virtue of this Act, and he shall be entitled to receive an annual Salary of Forty Pounds, payable quarterly, and to receive, take, and enjoy, all Fees and Emoluments for executing the said duties; and every person sworn in as aforesaid shall, within the said Island and its Dependencies, have all such powers, authorities, privileges, and advantages, and be liable to all such duties and responsibilities, pains and penalties as any Constables duly appointed now have or hereafter may have by virtue of the Common Law of the Realm and the Laws of these Islands; and shall obey all such lawful commands as he may from time to time receive from such Police Magistrate for conducting himself in the execution of his Office and employment; and the Officer administering the Government for the time being, upon representation made to him by any Police Magistrate, may at any time suspend or dismiss from his office and employment any such Special Constable whom he shall consider remiss or negligent in the discharge of his duty, or otherwise in any manner unfit for the same: and when any such Special Constable shall be so dismissed, all powers vested in him as a Special Constable, under and by virtue of this Act and at Common Law and the Laws of these Islands, shall immediately cease and determine; and on the death, dismissal, resignation, or otherwise of such Special Constable, the Officer administering the Government for the time being is hereby authorized and empowered to appoint, upon the application and recommendation of the Police Magistrate as aforesaid, another fit and proper person upon any such vacancy in the said office and employment to execute the duties aforesaid in lieu of the person making such vacancy; and Public Notice of the same shall be given in the 'Royal St. Vincent Gazette' of the said Island by the several Police Magistrates in their respective Districts.

CL. XVIII.
Authority of Special
Constables.

That the Special Constables so appointed, shall have all and the same power and authority as the Police Constables aforesaid appointed, but their duties shall be expressly regulated by the Police Magistrates of the Districts, and they shall be under the control of them alone, and shall assist generally in any way they may require in carrying on the business of the Petty Debt and Police Courts of the Districts, and shall in no other manner be liable to be called upon to execute any of the duties of such Police Constable, except in any urgent necessity in which their services may be specially required by such Police Magistrate.

CL. XIX.
Punishment for as-
saulting Constable.

[Repealed by Act, 6th November, 1850.]

CL. XX.
Special Constables to
enter into recogni-
zances.

That the Special Constables so to be appointed as aforesaid shall severally enter into recognizances before the Police Magistrate of the District to Her Majesty, each in the sum of Fifty Pounds, and two sureties each in the sum of Twenty-five Pounds, conditioned for the due and faithful performance of their respective duties, and for accounting and paying over all moneys which shall come to their hands by virtue of their said appointments, weekly, as shall be directed by the Police Magistrate.

CL. XXI.
Defendant not to be
discharged from im-
prisonment until he

That no Defendant shall on the expiration of the term of his imprisonment be discharged until he shall either have given in upon Oath a List of all goods, chattels, moneys, effects, lands, tenements, and hereditaments by him

possessed or shall make oath that he is not possessed of any goods, chattels, moneys, effects, lands, tenements, or hereditaments, before any Police or other Magistrate, or before the Provost Marshal; which oath the said Magistrates and Marshal are hereby authorized to administer, as well as all other oaths requisite and necessary for the purpose of this Act, and every person swearing falsely shall be deemed guilty of Perjury.

That every such Oath and List shall be made in writing, and filed within twenty-four hours after the same shall have been sworn to, in the Office of the Secretary of the Supreme Court of Judicature: for which the Secretary shall be entitled to a fee of Sixpence and no more.

That where any person so committed to Gaol shall make oath to any property possessed by him of a Personal nature, the same shall be liable to satisfy the Warrant of Commitment or Execution by which such person shall have been committed; and in the case of Real Estate, the Secretary of the Supreme Court, upon such Oath and List being filed as aforesaid, shall and he is hereby required to issue a Writ of Execution in the form set forth in the Schedule hereto annexed marked B; and the Provost Marshal shall levy on the said Real Estate, and the same shall be sold as provided for by the Law in force at the time regulating the sale of Real Estate under the process of the Supreme Court of Judicature; and all and every the provisions of the several Acts of the said Island in any manner relating to Writs of Execution issuing out of the said Supreme Court shall and the same are hereby extended to and made applicable to the Writ of Execution so to be issued as hereinbefore mentioned, unless otherwise directed by this Act.

That when any person shall be committed as aforesaid under any Warrant or Warrants of Execution, and shall at any time after his imprisonment make oath, and give in the List hereinbefore required to satisfy such Warrant or Warrants, such person shall be entitled to his discharge at the expiration of four days after such Oath and List made and filed as aforesaid, and notice for the like period given to the Creditor or Creditors at whose suit the Warrant or Warrants of Execution shall have issued, unless such Creditor or Creditors shall, previous to the expiration of such four days, obtain an Order in writing from a Judge of the Supreme Court, upon good cause shown, for the detention of the person so committed as aforesaid.

And be it enacted, That in the event of there being no Police Magistrate to act in the execution of this Act, it shall and may be lawful for the Officer administering the Government of these Islands to nominate and appoint by Commission some fit and proper persons in the place and stead of the said Police Magistrates to perform and execute all and every the duties, powers, and authorities given to the Police Magistrates by virtue of this Act: and the persons so appointed as aforesaid shall have power and authority to issue all Summonses, Warrants, Writs of Executions, and all other process and Proceedings, and to do all other acts necessary for the purpose of carrying into effect all and every the provisions of this Act as fully and effectually to all intents as such Police Magistrates are authorized and empowered to do, and to receive the like fees as are hereby provided for the said Police Magistrates.

That a Sitting shall be held for the hearing of Complaints under this Act at least once a fortnight at each Police Station of every District; and that, in the event of the absence of the Police Magistrate, or person to be appointed as hereinbefore mentioned, from whatever cause, on any of the days so fixed by him for the hearing of such Complaints, all fresh Summonses, and other necessary proceedings for bringing the case before him on a future day shall be taken by the said Magistrate or other person without any additional fees or expenses whatsoever against the parties.

That the Police Magistrates and Special Constables acting under and by virtue of this Act shall and may receive and take such Fees as are hereinafter mentioned, and no other or greater fees, any law, usage, or custom to the contrary notwithstanding.

No. 89.
13th May, 1852.
gives in list of his property.

CL. XXII.
The List to be sworn to and filed.

CL. XXIII.
Execution to be issued by Secretary of Supreme Court.

CL. XXIV.
Defendant giving in List of property, when to be released.

CL. XXV.
If no Police Magistrate, Governor to appoint persons to carry out Act.

CL. XXVI.
Petty debts to be heard once a fortnight.

CL. XXVII.
What Fees to be taken.

CL. XXVIII.
Construction of Act.
[Provided for by subsequent Act.]

* * * * *

No. 89.
13th May, 1852.

SCHEDULE.

POLICE MAGISTRATE'S FEES.

	s.	d.
For receiving Complaint, issuing Summons to Defendant, copy and summonses to Witnesses, and copies;—hearing Complaint, including the administration of Oath to Witnesses;—giving and entering Judgment;—issuing Execution, and entering satisfaction on payment, in lieu of all other Fees, when the Debt claimed shall not exceed the sum of Forty Shillings;— (one-half of this sum to be paid if the Debt and costs be paid before hearing)	5	0
Ditto, where the Debt exceeds Forty Shillings (one-half of this sum to be paid if the Debt and Costs be paid before hearing)	10	0
For every search of Books of Judgments and Executions, and for every certified copy of same, if required—Sixpence	0	6
For every Order, authorized and directed by this Act, other than for Judgment or Conviction—Sixpence	0	6
For every Affidavit, and swearing party thereto—Sixpence	0	6
SPECIAL CONSTABLES' FEES.		
For serving every Summons—Sixpence	0	6
For serving every person, if more than one in each Summons	0	6
For demand of payment (to be made but once) under Warrant of Execution	0	6
For every levy on Goods and Chattels, not exceeding Twenty Shillings, exclusive of costs—One Shilling	1	0
For every levy, &c., exceeding the amount of Twenty Shillings, as aforesaid	1	6
For the performance of any duty imposed under this Act beyond the precincts of any Town and its environs, or beyond the distance of one mile from any Police Station, for every mile going	0	4

SCHEDULE A.

IN THE POLICE COURT.

POLICE DISTRICT. }
ST. VINCENT, }
TO WIT.

Complainant.

Defendant.

To _____, of _____, in the said Island,
to attend as a Witness in the above-named Complaint, at the hour of _____
of the clock, at _____, in the said Island, on _____ day of _____, 185 ;
in default, a fine of Ten Shillings. Fail not.

SCHEDULE B.

ST. VINCENT.

IN THE SUPREME COURT OF JUDICATURE.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To the Provost-Marshall, or his lawful Deputy.

PETTY DEBT.

WHEREAS, under the provisions of the Act of the Island of St. Vincent and its Dependencies, entitled "An Act for the more easy and speedy recovery of "Small Debts," the Lands, Tenements, and Hereditaments of _____, have become liable to satisfy a certain debt due by the said _____ to _____, amounting with costs in the Petty Debt Court to [name the sum]
These are therefore to authorize and command you to levy upon and sell the Lands, Tenements, and Hereditaments of the said _____, sufficient to satisfy the said sum of _____ together with the costs taxed hereon, and subsequent costs of this Execution, in manner provided for in the case of sale of Real Estate as by an Act of the said Island, entitled "An Act for establishing "Courts of King's Bench, Common Pleas and Error, and for the better advancement of Justice in the said Island of St. Vincent, and the Islands of Bequia, "and such other of the Grenadines as lie to the Northward of Carriacou, in "America, and for rendering the former proceedings of the Courts of Common "Pleas and Error valid, and for settling certain Fees;" and for so doing this shall be your Warrant; and of your proceedings herein you are to make a Return within thirty days from the date of this Writ.

Witness the Honourable _____, Esquire, _____, Justice
of our said Island, this _____ day of _____ 18 _____, and in the _____ year
of our Reign.

No. 90.

An Act to grant an Annual Sum of Money for the Encouragement of Agriculture. [19th May, 1852.]

WHEREAS an Agricultural Society hath for some time past existed in this Island, and it is expedient for the encouragement of Agriculture that the operations of the said Society should be extended: *Be it enacted* by the Officer administering the Government of the Island of St. Vincent and its Dependencies, and the Council and Assembly of the same, that there shall be paid on the first day of August in each and every year out of the Public Treasury to the order of the President for the time being of the Agricultural Society of this Island the annual sum of Fifty Pounds sterling money, to be applied in the award of Prizes for Stock to be exhibited, or in such other manner, for the encouragement and advancement of Agriculture, as the said Society shall, from time to time, see fit.

That the President of the said Society shall once in each year cause a true and detailed statement of the mode in which the said sum of money shall have been appropriated to be laid before the Council and Assembly of this Island, at their respective Sessions for the quarter next after such appropriation and expenditure shall have been made.

CL. I.
50*l.* to be paid to Agricultural Society annually.

CL. II.
President of Society to forward statement of appropriation of money to the Legislature.

No. 91.

An Act to enlarge the Town of Georgetown.

[10th September, 1853.]

WHEREAS a certain portion of Grand Sable Estate, in the parish of Charlotte and Island of St. Vincent and adjoining Georgetown, has been laid out in lots, as represented by a diagram performed by George Punnett, Esquire, Crown and Colony Surveyor. *And whereas* it is deemed expedient to incorporate the said lots within the town of Georgetown: *Be it therefore enacted* by the Lieutenant-Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, that from and after the passing of this Act, the said lots of land described in the said diagram, and numbered from one to one hundred and twenty-two, bounded northerly by Grand Sable North River, all easterly by the highway, southerly by a canal, and westerly by Grand-Sable Estate, shall form and be part of the Town of Georgetown, and shall be subject to the powers, authorities, and jurisdiction of the Townwardens of Georgetown, in like manner as the lots and parcels of land within the limits of the present Town are now subject and liable.

CL. I.
Enlarging the Town.

That this present Act, and an Act published the sixth of March, one thousand eight hundred and forty-four, intituled "An Act for the appointment of Townwardens in the Town of Georgetown, Layou, Barrouallie, and Chateaubellair, with powers enabling them to keep the same in a proper state and condition, and to repeal a certain other Act for that purpose," shall be construed together and taken as one Act, and that all the provisions of the said Act shall extend to this Act, and to all things done in the execution of this Act.

CL. II.
This Act to be construed with Town Act [of 1844.]

No. 92.

An Act to amend and extend the Provisions of an Act, intituled "An Act to make Provisions by way of House-rent for the several Curates of the respective Parishes of this Island, and to grant an Annual Sum in aid of a Stipend for a Curate for St. Andrew's Parish," and the Assistant Curate for Charlotte Parish. [28th October, 1853.]

WHEREAS by an Act of the Legislature of the Island of St. Vincent and its Dependencies, published the fifteenth day of May, one thousand eight

Preamble.

No. 92.
28th October, 1853.

CL. I.
Treasurer authorized to pay to the order of the Curate of St. Andrew's parish and the Assistant Curate for Charlotte parish the sum of 12*l.* 10*s.* quarterly as and for houserent.
[Repealed as to Charlotte parish.]

Proviso.

hundred and forty-five, intituled "An Act to make provision by way of "Houserent for the several Curates of the respective Parishes of this "Island, and to grant an annual sum in aid of a Stipend for a Curate for "St. Andrew's parish," it may be doubted whether any provision by way of Houserent is made for the Curate of St. Andrew's parish. To remedy such doubt, and to provide for Houserent for the Assistant Curate for Charlotte parish, who has been nominated since the passing of the above recited Act: *Be it enacted* by the Officer administering the Government of the said Island of St. Vincent and its Dependencies, the Council and Assembly of the same, that there shall be paid quarterly by the Treasurer, under Warrant from the Officer administering the Government, to the order of the Curate of St. Andrew's parish, for the time being, the sum of Twelve Pounds and Ten Shillings as and for Houserent; and there shall be in like manner paid to the order of the Assistant-Curate for Charlotte parish for the time being, the like sum of Twelve Pounds Ten Shillings quarterly, as and for Houserent; such sums to be paid on the first day of January, the first day of April, the first day of July, and the first day of October in each year: *Provided always*, That no such sums as Houserent as aforesaid shall be payable to the said Curates, nor shall any sum given and provided by the above recited Act to the Curates of the respective parishes of this Island as and for Houserent be payable to any or either of the said Curates, except during such time as the said Curates respectively shall actually occupy a house, and be resident in, and shall perform the duties of a Curate in the several parishes in respect of which they shall or may be appointed Curates.

* * * * *

CL. II.
Officer administering the Government authorized to pay arrears as for houserent.
[Had effect.]

No. 93.

An Act to impose and provide for the Collection of a Duty on all Rum and other Spirituous Liquors made and consumed, or sold for Consumption, within the Government of the Island of St. Vincent and its Dependencies. [24th December, 1853.]

[Amended by Act 10th April, 1862.]

Preamble.

WHEREAS it is expedient that the present fixed revenue of the Government of the Island of St. Vincent and its Dependencies should be raised, and that a Duty should be imposed and collected for that purpose on all Rum and other Spirituous Liquors made and consumed, or sold for consumption within the said Government, *Be it therefore enacted* by the Officer administering the said Government for the time being, and by the Council and Assembly of the same, that in citing this Act in any other Act of the Legislature of the said Government, and in all legal instruments, it shall be enough to use the expression "The Rum Act, 1853."

CL. I.
Short title of the Act only may be cited.

In the construction of this Act the word "Governor" shall mean the Officer administering the said Government for the time being; the word "Treasurer" shall mean the Treasurer of the said Government for the time being, or his lawful Deputy; the word "Justice" shall mean any Justice of the Peace in and for the said Government; the word "Officer" shall mean and include the three Officers or Landing-waiters appointed by the Governor under an Act of the said Legislature, published on the eighth day of September, one thousand eight hundred and fifty-two, and intituled "An Act to repeal an Act, entitled 'An Act to repeal an Act, entitled [?] [An Act 'to repeal an Act, entitled] An Act to lay further Duties on goods 'imported into these Islands, and to substitute other provisions in lieu 'thereof,' and for the purpose of laying other Duties on goods imported 'into this Government;'" the word "Ship" shall mean any ship, barque, brig, schooner, sloop, cutter, or other sailing vessel; the word "Package" shall mean any hogshead, puncheon, butt, pipe, cask, barrel, demejean, or case containing bottles filled with any Rum or other Spirituous Liquors, or any other thing whatever capable of containing or which does contain any

CL. II.
Construction of the words "Governor," "Treasurer," "Justice," "Officer," "Ship," "Package," "Gallon," "Spirits," "Distiller," "Distillery," "Estate," "Proprietor," "Attorney," "Manager," "Oath," "Month," and words denoting number and sex.

Rum or other Spirituous Liquors; the word "Spirits" shall mean any Rum or any other Spirituous Liquors whatever made within the said Government; the word "Gallon" shall mean an Imperial gallon; the word "Distiller" shall mean any person to whom any licence shall be granted according to the provisions of this Act, to use any Still or make any Rum or any other Spirituous Liquors whatever; the word "Distillery" shall mean the place at or on or in which any such Still may be situate, and any Rum or any other Spirituous Liquors may be made or deposited immediately or soon after being made and contiguous to such Still; the word "Estate" shall mean any Plantation or estate whatever, either under Cane cultivation or otherwise; the word "Proprietor" shall mean any owner, tenant, or other occupier of any estate or other place in which any Distillery may be situate; the word "Attorney" shall mean the authorized agent, by Deed only, of any proprietor so defined as aforesaid, although such Attorney may reside upon any estate, if he employ a Manager to superintend its cultivation and the manufacture of its produce; the word "Manager" shall mean any person other than the Proprietor or Attorney, and who resides upon any Estate, and the Attorney if he resides upon the Estate for the purpose practically of superintending its cultivation and the manufacture of its produce, or who personally superintends the making of Rum or any other Spirituous Liquors whatever in any Distillery; the word "Oath" shall mean an Affirmation in the case of Quakers, and any affirmation or declaration now, or which may hereafter be lawfully substituted for an Oath, in the case of any other persons allowed by law to make an affirmation or declaration instead of taking an Oath; the word "Month" shall mean a calendar month; and that unless there be something in the context repugnant thereunto, any word denoting the singular number or male sex, shall be taken to mean and include any number of persons or things and both sexes.

This Act, after being duly published, shall come into operation on the first day of January, one thousand eight hundred and fifty-four.

The Treasurer or any Justice is hereby authorized to administer or cause to be administered any Oath required to be taken according to any of the provisions of this Act.

Any person who, upon any Oath administered by the Treasurer, or by any Justice, shall wilfully and corruptly swear to anything which shall be false, or shall wilfully and corruptly procure or suborn any person to swear to anything which shall be false, shall be guilty of wilful and corrupt Perjury, and be liable to all the penalties and punishment of such offence.

All Informations may be laid, or Charges may be made, against any person who may commit any petty misdemeanour, or petty offence, or other offence against any of the provisions of this Act; and all Complaints may be made for the recovery of any forfeiture or other sum of money before any Justice, and shall be heard, tried, and determined in a summary way by any two or more Justices, and the mode of procedure and punishment, or recovery, and all necessary proceedings, shall be according to the provisions of "The Summary Procedure Act, 1853."

On and after the first day of January, one thousand eight hundred and fifty-four, upon all Spirits made and consumed, or made and sold, or intended to be consumed, or sold, or bartered for consumption within the said Government by any person, there shall be imposed, raised, levied, collected, and paid a Duty of One Shilling on every gallon, and so in proportion for any greater quantity.

Every person who on the said first day of January, one thousand eight hundred and fifty-four, shall have on hand, or be in the possession or charge of any quantity exceeding thirty gallons of Spirits made within the said Government, shall, within fourteen days next thereafter, exclusive of the said first day of January, one thousand eight hundred and fifty-four, give in upon Oath, and deliver to the Treasurer, a full and true Return, according to the Schedule marked A. hereunto annexed, of the greatest quantity of Spirits made within the said Government, and which such person shall have had on hand, or shall have been in the possession or charge of, on the said first day of January, one thousand eight hundred and fifty-four.

No. 93.
24th December, 1853.

CL. III.
Act to come into operation 1st Jan. 1854.

CL. IV.
Treasurer or Justice to administer oaths.

CL. V.
Any person who swears falsely, or who procures any person to swear falsely, guilty of Perjury.

CL. VI.
Informations, &c., to be heard, tried, and determined by two or more Justices, and the procedure to be according to "The Summary Procedure Act, 1853."

CL. VII.
A duty of one shilling a gallon to be levied on all Spirits made and consumed, &c., within the said Government.
[The amended Act to April, 1862]

CL. VIII.
Returns to be made of all Spirits on hand on 1st January, 1854, if exceeding thirty gallons.

Schedule A.

No. 93.
24th December, 1853.

CL. IX.

On and after 1st January, 1854, not lawful for any person to use any Still without a Licence granted by the Treasurer.

Punishment.

On and after the first day of January, one thousand eight hundred and fifty-four, it shall not be lawful for any person to use within the said Government any Still whatever for the purpose of making any Spirits without having obtained a Licence for that purpose according to the provisions of this Act, to be granted and signed by the Treasurer as hereinafter mentioned, except stills in size not exceeding twenty gallons; and every person who shall make any Spirits without such Licence, except in such Stills as aforesaid, on being convicted thereof shall be deemed guilty of a Petty Misdemeanour, and shall pay a penalty not exceeding One Hundred Pounds, nor less than Ten Pounds, or be imprisoned, with or without hard labour, for any period not exceeding six months, or pay such penalty and be so imprisoned.

CL. X.

Particulars of the Licence.

Proviso.

As to persons jointly interested in any Distillery.

Every such Licence shall be numbered, and shall bear date the day on which it may be granted, and shall commence and take effect upon and from the day of the date of such Licence, and shall continue in force until and upon the thirty-first day of December of the then current year, and no longer: *Provided always*, That whatever number of persons may be jointly interested in any one Distillery, it shall not be necessary to take out more than one Licence for any one Still in any one year; and that no one such Licence shall enable any person to make use of any Still to make Spirits other than the Still in the said Licence mentioned.

CL. XI.

Persons taking out any Licence to pay 1*l.* to the Treasurer.
Schedule B.

Every person taking out such Licence shall pay to the Treasurer, for the public uses of the said Government, the sum of One Pound sterling; and every such Licence shall be in the form in the Schedule marked B. hereunto annexed; and the Treasurer shall enter in a Book, to be kept by him for that purpose, in a tabular form, the particulars of every such Licence as therein enumerated, and such other particulars as the Treasurer or the Governor may consider fit and convenient; and the person so taking out such Licence, in the case of any such Distillery being situate on any Estate under Cane cultivation, shall be the Manager of such estate.

CL. XII.

In case of the death, &c., of any Distiller, the Treasurer may grant another Licence for the unexpired portion of the year.

Whenever, by reason of the death, absence, or incapacity of any Distiller, or whenever, from any other cause, it may be necessary or expedient to substitute some other person for any Distiller, it shall be lawful for the Treasurer, and he is hereby required, on any application being made to him for that purpose, and on any Licence so granted as aforesaid being delivered up to him to be cancelled, to grant, without any charge whatever, a Licence to such person as may apply for the same for the purpose of using the same Still as the Still mentioned in the Licence so given up and cancelled; and any such last-mentioned Licence shall continue in force for the remainder of the year then unexpired, and for which the Licence so given up and cancelled had been originally granted.

CL. XIII.

Every Distiller to keep a Stock-book.

Schedule C.

Nature of the entries to be made in Stock-book.

Every Distiller on and after the said first day of January, one thousand eight hundred and fifty-four, shall, and he is hereby required to keep a Book of Stock in the form of the Schedule marked C. hereunto annexed, in which he shall enter the number of the Licence so granted to him as aforesaid, the name of the estate or other place at or on or in which the Distillery to which such Licence relates is situate, the date of each distillation of Spirits, the quantity of Spirits in gallons made at each distillation in the Still for which he has obtained such Licence, and the number of gallons of Spirits made, deducting Ten per cent. from the gross amount so made; also the date of each issue of Spirits issued from such Distillery for exportation, and liable as hereinafter mentioned to duty until shipped, the description of the package in which such Spirits may be so issued, the number of each description of such packages, the marks and numbers inscribed on each of such packages, the number of gallons of Spirits of each such issue, and the name and address of the person to whom the same may be issued; also the date of each issue of Spirits retailed or consumed on the estate or premises at or on or in which such Distillery is situate, the description of the packages in which such Spirits may be so issued as last aforesaid, the number of each description of such last-mentioned packages, the place where consumed, and the number of gallons of Spirits so issued as last aforesaid; also the date of each issue of Spirits sold or issued from such Distillery for general con-

No. 93.
24th December, 1853.

sumption within the said Government, the description of the packages in which such Spirits may be so issued as last aforesaid, the number of each description of such last-mentioned packages, the number of gallons of Spirits of each such last-mentioned issue, and the name and address of the person to whom the same may be so sold as issued as last aforesaid; and every Distiller who shall neglect to keep such Book of Stock, or who shall neglect to enter in such book the number of such Licence, or the name of the estate or other place at or on or in which such Distillery is situate, or who shall neglect to make within seven days after each distillation of Spirits in such Still an entry in such book of the date of each distillation, and the quantity of Spirits in gallons made at each distillation, or the number of gallons of Spirits made, deducting Ten per cent. from the gross amount made, or every Distiller who shall neglect to enter in such book the date of each issue of Spirits issued from such Distillery for exportation, or the description of the packages in which such Spirits may be so issued, or the number of each description of such packages, or the marks and numbers inscribed on each of such packages, or the number of gallons of Spirits of each such issue, or the name and address of the person to whom the same may be issued; or every Distiller who shall neglect to enter in such book the date of each issue of Spirits retailed or consumed on the estate or premises at or on or in which such Distillery is situate, or the description of the packages in which such Spirits may be so issued as last aforesaid, or the number of each description of such last-mentioned packages, or the place where consumed, or the number of gallons of Spirits so issued as last aforesaid; or every Distiller who shall neglect to enter in such book the date of each issue of Spirits sold or issued from such Distillery for general consumption within the said Government, or the description of the packages in which such Spirits may be so issued as last aforesaid, or the number of each description of such last-mentioned packages, or the number of gallons of Spirits of each such last-mentioned issue, or the name and address of the person to whom the same may be sold or so issued as last aforesaid; or every Distiller who shall neglect or refuse to produce such Book of Stock, and such entries, or any or either of them, when required so to do either by the Treasurer or by the Clerk hereinafter mentioned, or by any Officer hereinafter also mentioned, authorized by the Treasurer, as hereinafter also mentioned, to demand the production of such book, or who shall prevent any such Clerk or any such Officer from making any extracts from such book, or any calculations in respect to any entry or matter contained in such book, or who shall refuse to answer any question put to him by the Treasurer or such Clerk or Officer in respect to any entry or matter contained in such book, or in respect to any quantity of such Spirits remaining on hand to be accounted for by such Distiller, or who shall prevent such Clerk or any such Officer, or who shall not on request made by such Clerk or any such Officer assist such Clerk, or any such Officer, in visiting all and every part of any such Distillery or in the taking an account or in the making up of any return of the quantity of the Spirits remaining in the Distillery, or in the possession or charge of such Distiller, and which may appear from the entries in such book to be still remaining on hand and to be accounted for, or who shall refuse or neglect to furnish the Treasurer at his Office at Kingstown, in the said Island of St. Vincent, with a copy or copies of the whole or of any part of such book as the Treasurer may require, or who shall in any way alter or efface any entry in such book with the intent to misrepresent or to deceive the Treasurer, or who shall give a false or pretended extract from, or a false or pretended copy or copies of, any entry or entries in such book, or who shall neglect or refuse on request by the Treasurer to furnish him with full explanations in writing of any entry or entries which may appear in any such book, on being convicted thereof, shall be deemed guilty of a Petty Misdemeanour, and shall pay a penalty not exceeding Fifty Pounds, nor less than Five Pounds, or be imprisoned with or without hard labour for any period not exceeding three months, or pay such penalty, and be so imprisoned: *Provided always*, That it shall not be lawful for any such Clerk, or any such Officer to visit any Distillery in which such Still may be used by any Distiller for any of the

Offences created to prevent neglect in Distiller.

As to Distillation;

as to issue for Exportation;

as to issue for Consumption on estate, &c.;

as to issue for general Consumption within the said Government;

as to neglect to produce Stock-book when required by the Treasurer.

Punishment.

Proviso.
Clerk or Officer to visit Distillery between sunset and sunrise.

No. 93.
24th December, 1853.

CL. XIV.
An allowance of ten per cent. for leakage and for evaporation.

CL. XV.
Whenever any quantity exceeding ten gallons has been lost by leakage, &c., or on the export of any Spirits after duty paid, the Governor may order the repayment of such duty.

CL. XVI.
Any Spirits entered in Stock Book to be provisionally liable to duty until exported, and the Manifest the proof of exportation. Until delivery of Manifest to the Treasurer, such Spirits provisionally liable.

And if no Manifest delivered to the said Treasurer within two months, the Spirits liable to duty.

Proviso.
As to Bond being given for Exportation.

Proviso.
As to onus of proof being on person giving Bond.

CL. XVII.
Every Distiller to give in, on Oath, and deliver to the Treasurer, a quarterly return of Spirits made, disposed of, and on hand.

purposes aforesaid at any time other than between the hours of sunrise and sunset.

For the purpose of preventing any Distiller from being prejudiced by any loss arising from leakage or from evaporation, it shall be lawful for every Distiller, in the manner shown in the Form in the Schedule marked C. hereunto annexed, on and from the said first day of January, one thousand eight hundred and fifty-four, to deduct from the whole quantity of Spirits made at any one distillation ten per cent. as a fair allowance for any such probable leakage or evaporation; and such Distiller may enter in the quarterly return hereinafter mentioned only nine-tenths of the original quantity of Spirits made during the quarter as the quantity to be so accounted for to the Treasurer; and no Duty shall be chargeable by virtue of this Act on any greater quantity of Spirits made at any one Still within the said Government than nine-tenths of the quantity of Spirits so originally made as aforesaid.

Whenever it shall appear to the Treasurer or to the Governor that any quantity exceeding ten gallons of Spirits made within the said Government, and on which the Duty of One Shilling per gallon has been paid, shall have been lost by fire or by any other unavoidable accident, notwithstanding every precaution may have been taken to prevent the occurrence of any such accident; and whenever it may so appear to the Treasurer or to the Governor that any quantity of such Spirits on which the Duty of One Shilling per gallon has been paid shall have been *bonâ fide* exported within any period of time not exceeding one year subsequent to the payment of such Duty, then, and in such and every such case, it shall be lawful for the Governor to issue a Warrant directed to the Treasurer to order the repayment of the said Duty of One Shilling per gallon to the person who may have lost any such Spirits by fire or by any other unavoidable accident as aforesaid, or who may have exported any such Spirits on which such Duty may have been paid as aforesaid.

Whenever any such Spirits shall have been entered in any such Stock Book as aforesaid as having been issued for exportation, all such Spirits shall continue provisionally liable to Duty under this Act until a Manifest, required as hereinafter mentioned, shall have been delivered to the Treasurer, by which the actual shipment of any such Spirits for exportation shall appear; and until the delivery of such Manifest, all such Spirits so issued for exportation as aforesaid shall continue provisionally chargeable with the full amount of the Duty under the provisions of this Act, and shall be returned as provisionally liable by every Distiller in his quarterly return hereinafter more particularly described; and if no Manifest be delivered to the Treasurer within two months after the date of the issue from the Distillery of any such Spirits for exportation as aforesaid, then and in every such case all such Spirits so issued shall be absolutely chargeable with the Duty imposed by this Act as fully and entirely as if such Spirits had been issued for consumption within the said Government: *Provided nevertheless*, That at the expiration of the said two months it shall be lawful for the Treasurer, by and with the approbation of the Governor, in lieu of such Duty, to receive the Bond of the person to whom such Spirits had been issued for exportation, or of any other person whose security may be approved of by the Treasurer, conditioned for the payment of treble the Duty payable on all such Spirits as may remain unexported for the period of two months subsequent to such delivery of such Spirits for exportation: *Provided also*, That the onus of the proof of any such exportation shall be upon the person by whom such Bond shall have been given.

Every Distiller shall give in upon Oath, and deliver to the Treasurer within fourteen days next after the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December, respectively in each year, a just and true quarterly return in duplicate of all Spirits made by him during the quarter so ending on the respective days aforesaid by means of any Still for which such Distiller may have procured a Licence; and every such quarterly return shall include the last day of each quarter, together with a return of the disposal of all Spirits so made by him aforesaid, and a statement of the amount of Spirits

then remaining on hand to be accounted for; and the said return shall be in every respect in the Form in the Schedule marked D. hereunto annexed.

The Duty imposed as aforesaid by this Act on all Spirits on hand and made or made on or after the said first day of January, one thousand eight hundred and fifty-four, within the said Government, and chargeable as hereinafter mentioned against any estate or other place at or on or in which any Distillery may be situate and Still fixed, shall be paid by the Manager in charge of any such estate or such Distillery or other place within fourteen days next after the several days hereinbefore mentioned for the giving in on Oath, and the delivery to the Treasurer, of the said quarterly return of the Spirits made at any Still for which any such Licence as aforesaid shall have been granted.

Whenever any Duty so payable as aforesaid, and chargeable according to the provisions of this Act either against any estate or other place at or on or in which any Distillery may be situate and Still fixed, or against any person liable to pay such Duty, and who shall have any such Spirits on hand or in his possession or charge as hereinbefore mentioned, shall not have been paid by the person liable for the payment of the same on the days and within the periods hereinbefore mentioned and specified by this Act, then and in every such case it shall be lawful for the Treasurer to demand and receive, and, if necessary, recover from any person making default in the payment of any such Duty, a sum in addition to such Duty not exceeding one-third of the original amount of Duty in the payment of which any default may have been made as aforesaid; and the whole sum so accruing due and recoverable and amounting to the original Duty, together with a sum equivalent to one-third of such Duty, shall be a first charge on every estate or other place at or on or in which any Distillery may be situate and Still fixed, and which may have been liable in the books of the Treasurer to the payment of such Duty, and shall be a charge on all the machinery and stock and buildings, and on the land belonging to any such estate or other place, and shall be recoverable by the Treasurer in the manner hereinafter more particularly stated and set forth.

The Duty of One Shilling on all Spirits made within the said Government, and on hand or in the possession or charge of any person on the first day of January, one thousand eight hundred and fifty-four, as hereinbefore mentioned, other than a Distiller bound to enter in his Stock Book all such Spirits remaining on hand on the said first day of January, one thousand eight hundred and fifty-four, shall be paid by the person having such Spirits on hand, or in his possession or charge, his executors or administrators, on or before the fourteenth day of February, one thousand eight hundred and fifty-four; and if not paid on or before that day, then and in every such case it shall be lawful for the Treasurer to demand of the person making default as aforesaid a sum equivalent to the amount of the original Duty of One Shilling so left unpaid, together with a further sum equivalent to one-third of the said original Duty; and such original Duty, with the additional third part thereof hereby imposed, shall be recoverable by the Treasurer in the manner also hereinafter more particularly stated and set forth.

That if the several Duties authorized to be imposed, raised, and levied by this Act, [be] not paid to the Treasurer as hereinbefore mentioned, it shall be lawful for the Treasurer, and he is hereby required within fourteen days after any such Duties shall become payable to issue a Warrant under his hand and seal in the nature of an Execution at Law, in the Form set forth in the Schedule marked E. hereunto annexed, directed to the said Provost Marshal or his lawful Deputy, commanding him to levy upon the goods and chattels, lands, tenements, and hereditaments of the Proprietor of the Estate or other place at or on or in which the Distillery is situate in respect to which the person liable to pay such Duties has taken out a Licence to use the Still there fixed; or if such Proprietor be unknown to the Treasurer, to levy upon the goods and chattels, lands, tenements, and hereditaments of such Estate or other place, together with the percentage and all other the costs, charges, and expenses of such levy, in the same manner as if such

No. 93.
24th December, 1853.

Schedule D.

CL. XVIII.

The Duty imposed to be paid by the Proprietor, &c., within fourteen days after the giving in, &c., of the quarterly return to the Treasurer.

CL. XIX.

Whenever Duty payable and unpaid, the person liable to pay the same to pay in addition a sum not exceeding one-third the original Duty.

The whole a first charge on estate, &c., and recoverable by the Treasurer.

CL. XX.

Duty on Spirits on hand on the 1st January, 1854, to be paid on the 14th February, 1854.

If not paid, an addition of one-third to the original Duty to be recovered by the Treasurer.

CL. XXI.

Duties imposed by this Act, if not paid, the Treasurer to issue a Warrant, directed to the Provost Marshal, to levy the same.

Schedule E.

No. 93.
24th December, 1853.

In case the Provost Marshal shall neglect or refuse to execute such Warrant, to forfeit 50*l*.

The Treasurer to issue a Warrant to a Coroner to levy the 50*l*.

In case the Treasurer shall neglect to issue either of such Warrants, to pay such Duties, &c., out of his own estate.

Proviso.

As to the Duties being subsequently levied, to reimburse the Treasurer, and the conveyance of any lands, &c., so levied on, to be good and valid.

CL. XXII.

Every person who shall ship any Spirits shall make oath that, while in his possession, &c., he has not done anything whatever to lessen the strength of such Spirits before the Master obtains his clearance.

CL. XXIII.

Master of ship, having on board Spirits made within the Government, to make and produce to the Treasurer a Spirit Manifest.

Schedule F.

Treasurer to retain the Manifest, and without being produced, not to be entitled to clearance.

CL. XXIV.

Any ship having Spirits on board, made within the Government, and after having sailed, put into port, the Master or Consignee to enter into

Warrant had issued out of the Supreme Court of Judicature of the Island of St. Vincent, and had been a Writ of Execution issued out of such Court; and the Provost Marshal or his lawful Deputy is hereby required and directed to make a return to such Warrant, and to pay over to the Treasurer all such Duties as may be recovered by him by virtue of such Warrant within the period of thirty days next after the date of such Warrant, exclusive of the day of such date; and in case the said Provost Marshal or his lawful Deputy shall neglect or refuse to execute such Warrant accordingly, or to make a return thereof as herein directed, or to pay any sum of money he shall receive by virtue of such Warrant, within the period of time hereinbefore mentioned, the Provost Marshal or his lawful Deputy shall forfeit and pay the sum of Fifty Pounds; and the Treasurer is hereby authorized and required to issue a Warrant under his hand and seal, also in the nature of an Execution at Law, directed to any Coroner of the said Government, to levy the said sum of Fifty Pounds upon the goods and chattels, lands, tenements, and hereditaments of the Provost Marshal or his lawful Deputy, as it may be, together with the percentage and all other costs, charges, and expenses of such last-mentioned levy, in the same manner as if such last-mentioned Warrant had also issued out of the said Court, and had been a Writ of Execution issued out of such Court; and any such Coroner is hereby required and directed to make a return to such last-mentioned Warrant, and to pay over to the Treasurer the said sum of Fifty Pounds for the public uses of the said Government within the period also of thirty days after the date of such last-mentioned Warrant, exclusive of the day of such date; and in case the Treasurer shall neglect or refuse to issue either of the Warrants hereinbefore mentioned, he shall be accountable for and shall pay out of his own estate all such Duties and such sum of Fifty Pounds as it may be: *Provided always*, That the said Duties or sum of money may be subsequently levied in the manner aforesaid to reimburse the Treasurer for that which he may have been so accountable for, and shall have paid out of his own estate; and the Conveyance by the Provost Marshal or his lawful Deputy, or of the Coroner, as the case may be, of any Lands, Tenements, or Hereditaments sold by virtue of any such Warrant as aforesaid, and duly executed and acknowledged by the Provost Marshal or his lawful Deputy, or the Coroner, as it may be, according to the Act or Acts of the said Legislature of the said Government, shall be good and valid in Law, and shall convey the right, title, and interest of the person upon the Lands, Tenements, or Hereditaments of whom any such levy may have been made as fully and as effectually as if such Conveyance had been made by the person upon the Lands, Tenements, or Hereditaments of whom any such levy may have been made.

Every person who shall ship any Spirits made within the said Government, other than any Distiller, shall, before any Master of any ship shall obtain a Clearance from the Treasurer, as hereinafter mentioned, make Oath that he hath not done anything whatever in any manner, while such Spirits were in his possession or in his charge, to lessen the strength of any such Spirits, and that such Spirits were, when shipped, to the best of the knowledge and belief of such person, in the same state as when such Spirits were actually received by him from any Distiller or other person.

The Master of every ship about to sail from any part of the said Government, having on board any Spirits made within the said Government, shall, in addition to his general Manifest at the time of clearance, make and produce to the Treasurer, in duplicate, a Spirit Manifest according to the Form in the Schedule marked F., hereunto annexed, duly signed by and sworn to by him, and which Spirit Manifest the Treasurer shall retain, and without the same being so produced such Master shall not be entitled to obtain his Clearance.

If any ship having on board any Spirits made within the said Government, and exported from it, shall, after having sailed from any part of the said Government, put into or return to any port or harbour within the said Government, the Master or the Consignee of such ship shall, before landing any part of the cargo of such ship, enter into a Bond, with one or more good and sufficient Sureties, to the Treasurer, in treble the amount of

the Duties imposed on such Spirits ; which Bond the Treasurer shall enforce if the Duties thereon be not paid within three months after the date thereof, or if proof be not given of the re-exportation of such Spirits, to the satisfaction of the said Treasurer.

If the Master of any ship, having any Spirits made within the said Government on board such ship, shall clear such ship without a Clearance from the Treasurer, or shall land or transport out of such ship to any other ship any Spirits made within the said Government without the payment of the Duty imposed by this Act, such Master, on conviction thereof, shall be deemed guilty of a Petty Offence, and shall pay a Fine not exceeding Fifty Pounds, or less than Five Pounds, or be imprisoned for any period not exceeding three months, or pay such fine and be so imprisoned.

It shall be lawful for the Governor, immediately after the publication of this Act, to appoint a fit and proper Clerk to assist the Treasurer generally in the execution of his duties, and more especially in the carrying out the provisions of this Act ; and such Clerk, while he holds his appointment, shall have and receive an annual salary, payable quarterly, of the sum of One Hundred and Fifty Pounds, and so in proportion for any lesser period than a year.

Whereas, By an Act of the said Legislature, published on the eighth day of September, one thousand eight hundred and fifty-two, and intituled "An Act to repeal an Act, entitled 'An Act to repeal an Act, entitled [?] [An 'Act to repeal an Act entitled] An Act to lay further Duties on Goods 'imported into these Islands, and to substitute other Provisions in lieu 'thereof,' and for the purpose of laying other Duties on Goods imported 'into this Government ;" *It was enacted*, That the more effectually to carry out the provisions of the said Act there should be appointed by the Officer administering the Government of these Islands three Officers, to be called Landing Waiters, to act under the authority and direction of the Treasurer : *And whereas* it is expedient that the Treasurer should have under his authority and direction fit and competent persons to carry out any executive duties necessary to be performed under the provisions of this Act :

Be it enacted, That the said three Officers shall, each and every of them, be also under the authority and direction of the Treasurer, the more effectually also to carry out the provisions of this Act ; and it shall be lawful for the Treasurer at any time he may think fit to order and direct the said Clerk hereinbefore mentioned, or any or either of the said three Officers, in writing, to enter at any time, as hereinbefore mentioned, any Distillery, and to gauge and examine any Still in any such Distillery, or any part of any Distillery, or to gauge, or in any manner to examine any packages containing Spirits ; and it shall be lawful for the Treasurer at any time he may think fit also to order and direct the Clerks, or any or either of the said three Officers, in writing, to enter at any time as hereinbefore also mentioned any ship, in order to gauge, or in any manner to examine any packages containing Spirits made within the said Government and shipped on board any ship for exportation, and to make all such inquiries as may be necessary to ascertain the correctness of the returns hereinbefore mentioned, and made according to the provisions of this Act ; and so far as relates to the said three Officers, the said hereinbefore in part recited Act and this Act shall be read and taken together as one Act ; and it shall be lawful for the Governor, on the certificate of the Treasurer of any such duty as aforesaid having been performed by the said Clerk, or any of the said Officers, to draw a Warrant on the Treasurer to pay for any horse or boat hire necessary in the execution of such duty.

If any person shall, on and after the said first day of January, one thousand eight hundred and fifty-four, knowingly have on hand, or shall sell or deliver, or cause to be sold or delivered, or given away, either directly or indirectly, any quantity of Spirits made within the said Government to any person, to the end that the same may be consumed without the payment of Duty, or be unlawfully retailed in any part of the said Government, such person, on being convicted thereof, in addition to any other punishment to which he may be liable, shall be deemed guilty of a Petty Offence, and shall

No. 93.
24th December, 1853.
bond to the Treasurer
before landing cargo.

CL. XXV.
If any Master clear
without a Clearance
from the Treasurer, or
land, &c., any Spirits,
guilty of a Petty
Offence.
Punishment.

CL. XXVI.
Governor to appoint a
Clerk to assist the
Treasurer in the ex-
ecution of his duties.

Preamble.

CL. XXVII.
The three Officers, ap-
pointed by virtue of
the "Import Duty
Act," to be under the
authority of the Treas-
urer for the purpose
of carrying on the ex-
ecutive duties of this
Act, and may enter
into any Distillery.

Also into any ship.

CL. XXVIII.
Any person knowingly
having on hand, &c.,
any Spirits made with-
in the Government,
guilty of a Petty
Offence.

Punishment.

No. 93.
24th December, 1853.

CL. XXIX.

Any person molesting any Officer, &c., guilty of a Petty Misdemeanour.

Punishment.

pay a Fine not exceeding Fifty Pounds, or less than Five Pounds, or be imprisoned for any period not exceeding three months, or pay such fine and be so imprisoned.

If any person shall molest, hinder, oppose, or obstruct, or shall assault or beat the said Clerk or any Officer or other person, or any person or persons aiding and assisting such Clerk, Officer, or other person in the due execution of any of the powers and authority by this Act granted, or any of them, every such person on being convicted thereof shall be deemed guilty of a Petty Misdemeanour, and shall pay a penalty not exceeding Fifty Pounds or less than Five Pounds, or be imprisoned, with or without hard labour, for any period not exceeding three months, or pay such fine and be so imprisoned.

CL. XXX.

The Governor may publish extracts, &c., from this Act, and notices, &c.

Notices may be posted on Distilleries, &c.

Any person who shall deface any Notice, &c., guilty of a Petty Offence.

Punishment.

It shall be lawful for the Governor to cause to be printed and to publish from time to time at the expense of the said Government either extracts from this Act, or any notices intended for the instruction or information of any Officers or other persons invested with any authority, or upon whom any duty or responsibility is imposed under this Act, or for the information of any other persons whatever: and it shall be lawful for the Treasurer or for any person authorized by him to post up or affix any such extracts or notices by and with the approbation of the Governor on any convenient and public part of any Distillery or Still, or on the Sugar-works on any estate, or on any Distillery or Still thereto adjoining; and every person who shall wilfully deface, conceal, tear, or otherwise injure any such extracts or notices, on being convicted thereof shall be deemed guilty of a Petty Offence, and shall pay a fine not exceeding Ten Pounds, or less than One Pound, or be imprisoned for any period not exceeding one month, or pay such fine and be so imprisoned.

CL. XXXI.

No person to give Rum or any other Spirituous Liquors, on any pretence, by way of hire for labour.

Any person who shall give Rum, &c. for labour guilty of a Petty Offence.

Punishment.

It shall not be lawful, on or after the said first day of January, one thousand eight hundred and fifty-four, for any proprietor of any estate or other place at or on or in which any Distillery may be situate, or for the attorney of any such proprietor, or for the manager, overseer, or other person employed on any such estate or other place, nor for any Distiller, nor for any other person whomsoever, to issue, deliver, or give or allow in any manner whatever to be taken by way of gratuity, or in payment, or in part payment of any wages, or any hire, or by way of remuneration or barter and exchange for any work or labour done or performed, any Rum or any other Spirituous Liquors whatever, whether made within the said Government or elsewhere, or any mixture thereof; and every person who shall issue or deliver, or give or allow to be taken any Rum or any other Spirituous Liquors, or any mixture whatever thereof, contrary to the true intent and meaning of this Act, on being convicted thereof, shall for each and every offence be deemed guilty of a petty offence, and shall pay a fine not exceeding Fifty Pounds, or less than Five Pounds, or be imprisoned for any period not less than three months, or pay such fine and be so imprisoned: *Provided always*, That nothing herein contained shall be construed to abridge the right of selling Rum or any other Spirituous Liquors on any estate or elsewhere by any person duly licensed thereto according to the provisions of any Act of the said Legislature now in force or hereafter to be in force within the said Government.

Proviso.
Not to abridge the right of selling Rum, &c., by persons duly licensed.

CL. XXXII.

Penalties, &c., to be paid to the Treasurer.

CL. XXXIII.

Any person by whom any Information may be laid to be admitted as evidence.

All Penalties, Fines, or Forfeitures imposed by virtue of this Act, and paid, shall be paid to the Treasurer for the public uses of the said Government.

Any person by whom any Information may be laid, or any Complaint or Charge may be made against any other person accused of having committed any offence contrary to, or become liable to any forfeiture under any of the provisions of this Act, shall be admitted as evidence in support of any such Information, or Complaint, or Charge.

CL. XXXIV.

Any person who shall lay any Information, &c., or give evidence, &c., by means of which any other person may be convicted, &c., Governor may by the

If any person shall lay any Information, or make any Complaint or Charge by means of which any other person shall be convicted of any offence, or be ordered to pay any forfeiture under this Act; or shall give any information or evidence by which any such other person shall be so convicted, or ordered to pay any such forfeiture on any Information laid, or Complaint, or Charge made by the said Treasurer, or any other Public Officer or other person, it

shall be lawful for the Governor, if he shall think fit but not otherwise, to grant a Warrant to any such person for the said Treasurer to pay to him any sum not exceeding one-half of the penalty or fine imposed by virtue of any such conviction, or any forfeiture imposed by virtue of any Order made for such purpose and paid to the Treasurer: *Provided nevertheless*, That it shall be lawful for the Governor to remit either the whole or any part of any penalty or fine or forfeiture imposed according to the provisions of this Act, whether any conviction or order may have been obtained in consequence of an Information laid, or complaint or charge made by the Treasurer on the part and behalf of the said Government, or by any other person without either the privity or consent of the Treasurer.

It shall be lawful for the Governor to provide, at the expense of the said Government, a sufficient number of such Forms as may from time to time be required to be used for the purposes of this Act, and the Treasurer shall distribute or cause to be distributed, at his discretion, any such Forms to any person making application for the same to him at his Office at Kingstown aforesaid.

Every person who shall neglect or refuse to deliver to the Treasurer any Return required from him by this Act, or who shall make any false or evasive return, or who shall neglect or refuse to deliver to the Treasurer any return on the days and within the period, or in the form required by this Act, on being convicted thereof shall be deemed guilty of a petty offence, and shall pay a fine not exceeding Fifty Pounds or less than Five Pounds, or be imprisoned for any period not exceeding three months, or pay such fine and be so imprisoned; and if such person do not then deliver such Return, he shall forfeit and pay for every month he shall refuse, or neglect, or delay to deliver such return to the Treasurer the sum of Twenty Pounds, and shall also be further or again imprisoned until he do deliver to the Treasurer such return as may be so required by this Act.

Every Estate or Distillery or other place in which any Still may be situate within the said Government shall be charged and chargeable in the books of the Treasurer with the full amount of Duty imposed by this Act on Spirits made on any such estate, or in any such Distillery, or at any such place; and such duty shall be computed on the total value of the Spirits on hand and made upon such estate, or in such Distillery, or at such other place, upon and after the said first day of January, one thousand eight hundred and fifty-four, according to the returns of Spirits so remaining on hand, or so made and required to be given by every Distiller according to the provisions of this Act: *Provided always*, That it shall not be lawful for the Treasurer to demand the payment of the duties upon any Spirits which shall clearly appear to the Treasurer to be remaining on hand and to be accounted for; *And provided also*, That no duty shall be demandable on more than nine-tenths of the quantity of Spirits made on and after the said first day of January, one thousand eight hundred and fifty-four, the other one-tenth being an allowance for leakage and evaporation as hereinbefore more particularly mentioned.

Whenever any Information shall be laid, or any Complaint or Charge shall be made, against any person under the provisions of this Act, whether the Prosecutor or Complainant be the Treasurer on behalf of the said Government, or by any other Public Officer or other person whomsoever, it shall be lawful for the Governor, if it shall appear to him beneficial to the Public so to do, to direct the Attorney or Solicitor-General of the said Government to prosecute such Information or Complaint or Charge, and to take all necessary proceedings in any such prosecution or Complaint; and it shall be lawful for the Governor to draw a Warrant upon the Treasurer to defray all the expenses of any such Prosecution or Complaint.

In case of any Information or Complaint or Charge being dismissed, the Justices who shall have heard, tried, and determined such Information or Complaint or Charge shall, if requested at the time of the same being so dismissed, certify on the back of the Information or Summons whether there was reasonable and probable cause for such Information being laid, or such Complaint or Charge being made; and if such Justices do so certify that

No. 93.
24th December, 1853.

Warrant be paid a sum not exceeding one half the penalty, &c., imposed and paid.

Proviso.
The Governor may remit the whole or any part of such penalty, &c.

CL. XXXV.
Governor to provide Forms, and the Treasurer to distribute them.

CL. XXXVI.
Every person who shall neglect to deliver Return to the Treasurer, guilty of Petty Offence.

Punishment.

And if any person shall further delay to pay 20*l.* for every month, and be imprisoned until return delivered to Treasurer.

CL. XXXVII.
Every Estate, &c., charged with the full amount of Duty imposed.

Proviso.
No Duty demandable for Spirits remaining on hand.

Proviso.
As to allowance for Leakage, &c.

CL. XXXVIII.
The Governor may direct the Attorney or Solicitor-General to prosecute any information or Complaint under this Act.

CL. XXXIX.
In case of any Information, &c., being dismissed, if Justices certify there was reasonable and probable cause, no Costs to be allowed to the Defendant.

No. 93.
24th December, 1853.

CL. XL.

No Information to be laid after the expiration of six months after the doing of anything against the provisions of the Act, or for not doing anything according to the provisions of the Act.

CL. XLI.

Plaintiff in any action for any Trespass, &c., not to recover after tender of amends.

there was reasonable and probable cause for such Information being laid, or Complaint or Charge being made, then and in such case no costs shall be allowed to the Defendant on any Information or Complaint or Charge as heard, tried, and determined, and so dismissed.

No Information shall be laid or Complaint made for anything done against any of the provisions of this Act, or for anything not done and to be done according to the provisions of this Act, after the expiration of six months from the time any such thing may have been done or ought to have been done.

No Plaintiff shall recover in any action for any Trespass or other wrongful act or proceeding made, done, or committed by the Treasurer, or Clerk or any of either of the said three Officers, or any other person in the execution of any of the provisions of this Act, or in, under, or by virtue of any power or authority hereby given, if tender of sufficient amends shall have been made by or on behalf of the person who may have done or committed such trespass or other wrongful act or proceeding before such action brought; and in case no such tender shall have been made, it shall be lawful for the Defendant in any such action, by leave of the Supreme Court of Judicature of the Island of St. Vincent, or of any other Court in which the Justices of any such last-mentioned Court may hear, try, and determine pleas of personal actions where the debt or damage claimed does not exceed the sum of Twenty Pounds, in which such action may depend, at any time before issue joined to pay into such Court such sum of money as he shall think fit, whereupon such proceeding and adjudication shall be had and made in and by the said Courts as in other actions in which Defendants are allowed to pay money into Court.

CL. XLII.

Actions and Prosecutions against persons under this Act to be brought within six months, and notice of Action to be given one month before Action brought.

All Actions and Prosecutions to be commenced against the Treasurer or Clerk, or any or either of the said three Officers, or any other person, for any trespass or other wrongful act or proceeding made, done, or committed, in pursuance of this Act shall be commenced within six months next after such trespass, or other wrongful act or proceeding, being made, done, or committed, and not otherwise, unless there shall be a continuation of damage, then and in that case, within six months next after such continuation of damage shall have ceased; and notice in writing of such action, and of the cause thereof, shall be given to the Defendant one month before the commencement of such action; and in any such action the Defendant may plead the general issue, and give this Act and the special matters in evidence at any trial to be had thereupon; and no Plaintiff shall recover in any such action if tender of sufficient amends shall have been made as aforesaid before such action brought; or if after such action brought a sufficient sum of money shall have been paid into Court, with costs as aforesaid, by or on behalf of the Defendant; and if a verdict shall pass for the Defendant, or the Plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff, the Defendant shall recover his full costs, to be taxed by the proper Officer of the said Supreme Court of Judicature, or such other Court in which any such action may be brought, as it may be, and shall have the like remedy for the same as any Defendant hath by Law in other cases in respect to costs; and although a verdict shall be given for the Plaintiff in any such action, such Plaintiff shall not have costs against the Defendant unless immediately after such verdict shall be so obtained the Judge or Judges before whom the trial shall be shall certify under his or their hand or hands his or their approbation of the action and of the verdict obtained thereupon.

CL. XLIII.

Act may be altered, &c., during the present Quarterly Meeting, &c.

This Act may be altered, amended, or repealed by any Act to be passed during the present or any future Quarterly or Special Meeting of the Parliament of the said Government.

No. 93.
24th December, 1853.

SCHEDULE A.

A Return of Rum and other Spirituous Liquors made within the Government of the Island of St. Vincent and its Dependencies on hand, and in the possession or charge of A. B. of _____, in the Island of _____

Description of Spirits.	Number of Packages.	Description of Packages.	Quantity in Gallons.	Total Quantity in Gallons.

I *A. B.* do swear that the above is a just and true Return to the best of my knowledge of the quantity of Spirits made within the Government of the Island of St. Vincent and its Dependencies, which I had on hand on the first day of January, one thousand eight hundred and fifty-four, at *[state the name of the Estate or other place, as it may be, and the Parish or Town in which situate, and the Island]* belonging to me *[or, in my possession or charge as the Attorney, Manager, or Agent of C. D., as it may be]*. So help me God.

Sworn at _____, in the Island of _____, in the }
 year one thousand eight hundred and fifty-four, by the }
 said A. B., pursuant to the provisions of "The Rum }
 Act, 1853." Before me, _____

Justice of the Peace.

SCHEDULE B.

No.

KINGSTOWN, day the day of , 185 .

This is to certify that, in accordance with the provisions of "The Rum Act, 1853," in such case made and provided, _____, of _____, in the Island of _____, is hereby licensed freely to use for the making of Rum or other Spirituous Liquors, the Still now erected and fixed in a building [*describe the building, whether of stone or wood, or of one or two stories*] on the Estate, [*or if any town or other place, to be particularly described*], in the Parish of _____, in the Island of _____.

This Licence is to be in force on and from the day of the date, and to continue on and until the end of the thirty-first day of December, in the year one thousand eight hundred and fifty- , and after that day to be utterly void and of no effect.

Treasurer.

No. 93.
24th December, 1853.

SCHEDULE C.
DISTILLER'S BOOK OF STOCK.

[illegible]

No. 93.
24th December, 1853.

SCHEDULE E.

FORM OF WARRANT.

SAINT VINCENT.

To the Provost Marshal or his lawful Deputy.

Whereas by virtue of an Act of the said Legislature of the Government of the Island of St. Vincent and its Dependencies, to be cited as "The Rum Act, 1853," *A. B.*, of _____, in the said Island of St. Vincent, has become liable to pay to the Treasurer of the said Government for Duties on Rum and other Spirituous Liquors made within the said Government, the sum of _____: And whereas the said *A. B.*, according to the said Act, should have paid the said sum of _____ on or before the _____ day of _____, one thousand eight hundred and fifty-_____ now passed. These are therefore to authorize and command you to levy upon and sell so much of the goods and chattels, lands, tenements, and hereditaments of *C. D.*, the proprietor of _____ estate [or distillery, or other place, as it may be] in the parish of _____, in the Island of _____, [or if such proprietor be unknown, to the Treasurer of the estate, or distillery, or other place] at [or on, or in] which the distillery is situate, in respect to which the said *A. B.* took out a Licence, No. _____, to use the Still there fixed, to satisfy the said sum of _____, together with the percentage and all other the costs, charges, and expenses of such levy and sale, in the same manner as if this warrant had issued out of the Supreme Court of Judicature of the Island of St. Vincent, and had been a writ of execution issued out of such Court, and you will make a return to me, the undersigned, the Treasurer of the said Government, of that which you may have done in the premises, and pay over the said sum of _____, if you have found sufficient goods or chattels, lands, tenements, or hereditaments to satisfy this warrant, within thirty days after the day of the date thereof, exclusive of the day of such date, and for which this shall be your sufficient warrant.

Given under my hand and seal, at my office at Kingstown, in the Island of St. Vincent, _____ day the _____ day of _____, 185____.

Treasurer. (L. S.)

SCHEDULE F.

SPIRIT MANIFEST.

An Account of all Rum and other Spirituous Liquors made within the Government of the Island of St. Vincent and its Dependencies, and Shipped on board the _____ called the _____, whereof _____ is the Master.

Date of Shipment.	Name of Person by whom Shipped.	Name of Estate or other Place at, or on, or in which the Distillery is situate.	Name of Parish.	Number of Packages.	Number and Shipping Marks of Packages.	Number of Gallons.	Whither Ship bound.	Name of the Proprietor or Lessee or Attorney of the Estate or Licensed Distillery.

I *E. F.*, Master of the _____ called _____, about to sail from the Port of _____, within the Government of the Island of St. Vincent and its Dependencies, and bound to the Port of _____, in _____, do swear that the foregoing quantity of Spirits, made to the best of my knowledge and belief within the said Government, and contained in _____ packages, and to

the best of my knowledge and belief amounting to _____ gallons, is actually and *bonâ fide* on board the said ship _____, whereof I am the Master, for exportation, and that I will not land or suffer to be relanded, or tranship or suffer to be transhipped, any part thereof within the said Government, without permission first had and obtained from the Treasurer of the said Government, or his lawful Deputy, or from some Officer under his order or direction. So help me God.

No. 93.
24th December, 1853.

Sworn at _____, in the Island of _____, in the }
year one thousand eight hundred and fifty- _____, by the }
said E. F., pursuant to the provisions of "The Rum }
Act, 1853." Before me,

Justice of the Peace.

No. 94.

An Act to grant Salaries to Police Magistrates, and the Expenditure necessary for the Performance of their Duties.

[24th December, 1853.]

WHEREAS by an Act of the Legislature of the Government of the Island of St. Vincent and its Dependencies, passed in this present Session of the said Legislature, to be cited as "The Police Act, 1853," *It is enacted*, That it shall be lawful for the Governor immediately after the publication of the said Act, by Commission under his hand and seal, to appoint fit persons to be Police Magistrates for the Kingstown, Calliaqua, Windward, Leeward, and Grenadine Districts therein mentioned and particularly described: *And whereas it is also enacted*, That it shall be lawful for the Magistrates for the Kingstown District to appoint a fit person to be Clerk to such Magistrates: *And whereas it is also enacted*, That the Magistrate for the Kingstown District shall have a Police Office in the town of Kingstown, in the said Island: *And whereas it is necessary* to fix the amount of Salaries to be paid to each of the said Magistrates, and such other amounts for the expenditure necessary for the performance of their duties: *Be it enacted* by the Officer administering the said Government for the time being, and by the Council and Assembly of the same, that in citing this Act in any other Act of the said Legislature and in all other legal instruments, it shall be enough to use the expression "The Magistrates' Salary Act, 1853."

Preamble.

That in the construction of this Act the word "Governor" shall mean the Officer administering the said Government for the time being; the word "Treasurer" shall mean the Treasurer of the said Government for the time being or his lawful Deputy; the word "Magistrate" shall mean any Magistrate appointed by virtue of the "Police Act, 1853;" the word "District" shall mean any Police District forming a part of the said Government, as defined by the said Act; and the word "Month" shall mean calendar month.

CL. I.
Short Title of Act only
may be cited.

That the said Magistrates, while they hold their appointments and during the period hereinafter limited, shall have and receive the annual Salaries following, payable quarterly, that is to say:—the Magistrate for the Kingstown District, the sum of Four Hundred Pounds a year; the Magistrate for the Calliaqua District, the sum of One Hundred and Seventy-five Pounds a year; the Magistrate for the Windward District, the sum of One Hundred and Seventy-five Pounds a year, and the further sum of Twenty-five Pounds a year in lieu of and for horse-hire; the Magistrate for the Leeward District, the sum of One Hundred and Seventy-five Pounds a year, and the further sum of Twenty-five Pounds a year in lieu of and for horse and boat hire; and the Magistrate for the Grenadine District, the sum of Seventy-five Pounds a year; and so in proportion for any lesser period than a year: *Provided always*, That no Warrant shall be issued by the Governor under the authority of this Act for the payment of any Salary or Allowances to any of the said Magistrates until he shall be satisfied that the amounts and returns of all penalties, fines, and forfeitures imposed, and fees received, by such Magistrates required to be made by such Magistrates according to the provisions of "The Police Act, 1853," have been made pursuant to the said

CL. II.
Construction of the
words "Governor,"
"Treasurer," "Ma-
gistrate," "District,"
"Month."

CL. III.
Salaries of the Magis-
trates.

Vide "Amended Ma-
gistrates' Salary Act,
1854."

Proviso.
No Warrant to issue
for the payment of any
Salary to any Magis-
trate until returns
made and a receipt
from the Treasurer of
all penalties imposed,
&c., being paid.

No. 94.
24th December, 1853.

CL. IV.
Magistrates to have an annual allowance for Stationery and Forms.

CL. V.
Allowance to Magistrate for Kingstown District as Salary to Clerk, and for a Police Office.

CL. VI.
The day on which the Act shall come into operation, and its duration.

CL. VII.
This Act may be altered, &c., during the present Quarterly Meeting.

Act, and until the production of the receipt from the Treasurer that all penalties, fines, forfeitures, fees, and other sums of money for which the said Magistrates shall be liable have been actually paid by such Magistrate into the Public Treasury of the said Government.

That the said Magistrates, while they hold their appointments and during the period hereinafter limited, shall have and receive the annual sums payable monthly as allowances for Stationery and Forms as follows, that is to say:—the Magistrate for the Kingstown District shall have and receive the sum of Ten Pounds a year; the Magistrates for the Calliaqua District, the Windward District, and the Leeward District, shall each respectively have and receive the sum of Five Pounds a year; and the Magistrates for the Grenadine District shall have and receive the sum of Three Pounds a year; and so in proportion for any lesser period than a year.

That the Magistrates for the Kingstown District shall have and receive an annual sum, while he holds his appointment and during the period hereinafter limited, payable monthly, of Sixty Pounds as an allowance for the Salary of a Clerk, and that, with the consent of the Townwardens, the Market House in Kingstown shall be the Place of Sitting for the Police Magistrate of Kingstown; and that the whole or a portion of the upper part of those premises shall be fitted up for the purpose, and that an agreement be made for renting the same at a rate not exceeding Thirty Pounds per annum; or, in case of the Townwardens not consenting to the use of the Market House, then that such rent be paid for such other place as the Governor shall appoint.

That this Act shall come into operation on the day next after the same shall be published in the usual manner by the Provost Marshal of the said Government, and shall continue in force from and after the publication thereof, until the first day of January, one thousand eight hundred and fifty-eight.

That this Act may be altered, amended, or repealed by any Act to be passed during the present or any future Quarterly Meeting of the said Legislature.

No. 95.

An Act for shortening the Language used in Acts of the Legislature of this Island, and to remove Doubts in the Construction of certain Acts.

[24th December, 1853.]

CL. I.
Acts of Legislature may be altered, &c., in same Session in which they are passed.

CL. II.
Acts to be divided into Sections without introductory words.

CL. III.
When any Act is referred to, it shall be sufficient to cite the year in which it was passed.

CL. IV.
Interpretation of certain words.

BE IT ENACTED by the Lieutenant-Governor, the Council, and the Assembly of the Island of St. Vincent and its Dependencies, that every Act to be passed after the commencement of this Act may be altered, amended, or repealed in the same Session of the Legislature in which it may have passed, any law or usage to the contrary notwithstanding.

That all Acts shall be divided into Sections, if there be more Enactments than one, which Sections shall be deemed to be substantive enactments without any introductory words.

That in any Act when any former Act is referred to it shall be sufficient to cite the day of the month and year of publication of such Act, without reciting the Title of such Act; *Provided*, That where it is intended to amend or repeal any portion only of a Section, it shall be necessary still either to recite such portion, or to set forth the matter or thing intended to be amended or repealed.

That in all Acts words importing the masculine gender shall be deemed and taken to include females, and the singular to include the plural, and the plural the singular, unless the contrary as to gender or number is expressly provided; and the word "Month" to mean calendar month, unless words be added showing lunar months to be intended; and "Parish" shall be held to mean also any town therein, unless such extended meaning is expressly excluded by words; and the word "Land" shall include messuages, tenements, and hereditaments, houses and buildings of any tenure, unless where there are words to exclude houses and buildings, or to restrict the meaning

to tenements of some particular tenure ; and the words " Governor," " Lieutenant-Governor," or " President of this Island," to mean the Officer administering the Government for the time being of this Island ; and the words " Oath," " Swear," and " Affidavit," shall include affirmations, declarations affirming and declaring, in the case of persons by law allowed to declare or affirm instead of swearing.

That where any Act repealing in whole or in part any former Act is repealed, such last repeal shall not revive the Act or provision before repealed, unless words be added reviving such Act or provision.

And whereas, according to the usage of the Legislature of this Colony, Acts in their nature temporary have been passed repealing Acts or parts of Acts in their nature permanent ; and on the expiration of such temporary Acts doubts have arisen as to whether the permanent Acts, or parts thereof so repealed, have revived ; For remedy whereof and to set all doubts at rest, *Be it enacted*, That where a temporary Act has been, or shall be passed, repealing a permanent Act, or any part thereof, such permanent Act, or [such] part thereof as has been or shall be repealed by such temporary Act shall not on the expiration of such temporary Act be deemed to have revived or come again into operation, unless a contrary intention shall appear in the repealing Act.

That whenever any Act shall be made repealing in whole or in part any former Act, and substituting some provision or provisions instead of the provision or provisions repealed, such provision or provisions so repealed shall remain in force until the substituted provision or provisions shall come into operation by force of the last made Act.

And whereas doubts are entertained whether in Acts of the Colonial Legislature when the duration of the Act is expressed to be for a specific period of time, and from thence until otherwise altered or amended by any other Act, any alteration or amendment can be made in such Act without a constructive repeal of the whole of such Act, *Be it enacted*, That any such Act or Acts may be altered, repealed, or amended, in any particular part or parts thereof ; and the Act or Acts so altered or amended shall not be thereby repealed, unless words be added repealing the whole thereof, any law or usage to the contrary notwithstanding.

That every Act made after the commencement of this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such, unless the contrary be expressly provided and declared by such Act.

That this Act shall commence and take effect from and immediately after the commencement of the next Quarterly Session of the Legislature.

No. 95.
24th December, 1853.

CL. V.
Repealed Acts not to be revived in virtue of the Repeal of the repealing Acts.

CL. VI.
When temporary Act is passed repealing permanent Act, permanent Act not to be revived on expiration of temporary Act.

CL. VII.
Repealed provisions of Act to remain in force until substituted provisions come into force.

CL. VIII.
Acts not to be constructively repealed by duration Clause.

CL. IX.
All Acts to be deemed Public Acts unless otherwise provided.

CL. X.
Act to take effect immediately after the commencement of the next Quarterly Session of the Legislature.

No. 96.

An Act for the Appointment of Police Magistrates, and for the Permanent Establishment of a Police Force. [24th December, 1853.]

WHEREAS it is expedient to appoint Police Magistrates to perform the duties of Justices of the Peace within the Government of the Island of St. Vincent and its Dependencies, and to establish a permanent Police Force : *Be it therefore enacted* by the Officer administering the said Government for the time being, and by the Council and Assembly of the same, that in citing this Act in any other Act of the said Legislature, and in all legal instruments, it shall be enough to use the expression " The Police Act, 1853."

That in the construction of this Act the word " Governor" shall mean the Officer administering the said Government for the time being ; and the word " Treasurer" shall mean the Treasurer of the said Government for the time being, or his lawful Deputy ; and the word " Magistrate" shall mean any Magistrate appointed by virtue of this Act ; and the word " Justice" shall mean any Justice being one of Her Majesty's Justices of the Peace in and for the said Government ; and the word " District" shall mean any Police District forming a part of the said Government, as defined by this Act ; and the word " Constable" shall mean the Police Officers authorized to

Preamble.

CL. I.
Short Title of the Act only may be cited.

CL. II.
Construction of the words " Governor," " Treasurer," " Magistrate," " Justice," " District," " Constable," " Peace Officer," " Petty Misdemeanour," " other Offence," " Petty Offence," " Gazette,"

No. 96.
24th December, 1853.

"Month," and the use
of words denoting
number and sex.

Appointments.

CL. III.
Governor to appoint
fit persons to be Police
Magistrates.

CL. IV.
Jurisdiction of Police
Magistrates.

be appointed by this Act, as well as the Police Constables authorized to be appointed by this Act; and the words "Peace Officer" shall mean any other Peace Officer or Constable duly appointed as a peace officer or constable to act either throughout the said Government, or for any town, or parish, or island within the said Government; and the words "Petty Misdemeanour" shall mean any offence punishable on summary conviction by imprisonment, with or without hard labour, or defined as a petty misdemeanour in any Act of the said Legislature now in force or hereafter to be in force within the said Government; and the words "other Offence" or "Petty Offence" shall mean any offence other than a petty misdemeanour, and not punishable by imprisonment with hard labour; and the word "Gazette" shall mean the official Gazette of the said Government, and the word "Month" shall mean calendar month, unless and there be something repugnant thereto; any word denoting the singular number or male sex shall mean and shall include any number of persons or things, and both sexes.

And with respect to the appointment of Police Magistrates, their jurisdiction, districts, oaths, residence, and attendance, and Clerk to the Magistrate for the Kingstown district, *Be it enacted*, That it shall be lawful for the Governor immediately after the publication of this Act, by Commission under his hand and seal, to appoint fit persons to be Police Magistrates for the Kingstown, Calliaqua, Windward, Leeward, and Grenadine Districts herein-after mentioned, and in which they shall hold their respective Police Courts.

That the Magistrates so appointed shall become and continue so long as they hold the said appointments, and no longer, by virtue of this Act, Justices of the Peace in and for the said Government, and they shall in their respective districts have the same jurisdiction, power, and authority in all cases in which any Information and Complaint shall be laid or Charge shall be made before them in respect to any treason, felony, or indictable misdemeanour, or any other indictable offence whatever committed or suspected to have been committed within the said Government, or on the High Seas according to the provisions of the Statute of the 12th and 13th Vic. ch. 96, intituled "An Act to provide for the Prosecution and Trial in Her Majesty's Colonies of Offences committed within the Jurisdiction of the Admiralty, in such case made and provided; or within the jurisdiction of the Court of Grand Sessions of the Peace, as any one, two, or more Justices of the Peace in and for the said Government may now or shall hereafter have by virtue of any Statute now or hereafter to be in force within the said Government, or by virtue of any Act of the said Legislature now or hereafter to be in force within the said Government;" and such Magistrates shall also in their respective Districts have the same jurisdiction, power, and authority to hear, try, and determine in all cases in which any Information or Complaint shall be laid or Charge shall be made before them in respect to any petty misdemeanour, or any other offence, or any petty offence whatever, committed or suspected to have been committed, or in respect to any matter of complaint which may have arisen within the said Government, or on the High Seas, as hereinbefore mentioned, as any one, two, or more Justices of the Peace in and for the said Government may now or shall hereafter have by virtue of any Statute now or hereafter to be in force within the said Government giving summary jurisdiction by conviction or order to any such Magistrates or Justices of the Peace, or by virtue of any Act of the said Legislature now or hereafter to be in force within the said Government giving summary jurisdiction by conviction or order to any such Magistrates or Justices of the Peace; and such Magistrates shall have power and authority to enforce due obedience to their convictions or orders; and all necessary subsequent proceedings in any such cases taken before them or done by their authority shall be therefore good and valid to all intents and purposes as though the same had been taken and done under the power or authority of any one, two, or more Justices of the Peace as aforesaid; and the Governor may remove, for inability or misbehaviour in his Office, any such Magistrate, if he see occasion so to do, and may upon any vacancy in any of the said appointments, by death, resignation, removal, or otherwise, appoint another fit person as a Police Magistrate

in lieu of the person causing such vacancy: *Provided always*, nevertheless, that any two of the Justices of the Peace may at any time, if they think fit, take a part in the proceedings in any case before any of the said Magistrates: *Provided also*, That such two Justices shall be present during the whole of the hearing of any Information or Complaint, or Charge, and at the time of any Conviction or Order being made thereon.

That, in all cases in which, under any Act of the said Legislature, a Police Magistrate appointed under any former and now expired Act had jurisdiction, the Police Magistrates appointed under this present Act shall have and exercise in their respective districts such and the same jurisdiction, and shall and may hear, try, and determine all matters and things which by any Act of the said Legislature were cognizable before any Police Magistrate.

* * * * *

That in all cases of any Information laid, or Charge made before any of the said Magistrates for any petty misdemeanour, or other offence, or any petty offence whatever committed on the High Seas, and which the said Magistrates have jurisdiction to hear, try, and determine according to the provision of the Statute of the 12th and 13th Vic., ch. 96, intituled "An Act to provide for the Prosecution and Trial in Her Majesty's Colonies of offences committed within the Jurisdiction of the Admiralty," or on board any ship, vessel, boat, barge, or canoe lying and being at anchor, or otherwise, in any bay, creek, inlet, or river which may be adjacent to the land of any part of the said Government forming a part of any of the said Districts; and in all cases of complaint laid, or charge made, in which the matter of such complaint arose within three miles from the shores or headlands of any of the Islands within the said Government, or in any of the channels between the said Island of St. Vincent and any other Islands its Dependencies, in all such cases the petty misdemeanour, or other offence, or petty offence shall be held to have been committed, or the matter of such complaint shall be held to have arisen within that District within the lands of which the bay may be situate; or within which the land of that part of the coast may be situate near which such ship or vessel, after the commission of such petty misdemeanour, or other offence, or petty offence, or after the matter of such complaint shall have arisen shall first anchor; or in which the bay may be situate, or the land of that part of the coast may be situate, near which such boat, barge, or canoe, after the commission of such petty misdemeanour, or other offence, or petty offence, or after the matter of such complaint shall have arisen shall first anchor; or on the land of which district such boat, barge, or canoe shall first touch or be brought on shore.

* * * * *

at certain times and places. [Repealed by "The Amended Police Act, 1857."]

That every person appointed a Police Magistrate by virtue of this Act shall, before he begins to execute the duties of his appointment, take the following Oath before the Governor, or in case of the sickness of the Governor before the Chief Justice of the Island of St. Vincent and its Dependencies, that is to say, "I A. B. do swear that I will faithfully, impartially, and honestly, according to the best of my skill, knowledge, and ability, execute all the powers and duties of a Police Magistrate and Justice of the Peace, by virtue of an Act, intituled 'An Act for the appointment of Police Magistrates, and for the permanent establishment of a Police Force.' And I do swear that I will faithfully and truly pay to the Treasurer all penalties, fines, forfeitures, fees, and other sums of money which shall at any time come into my hands by virtue of my office as such Police Magistrate and Justice of the Peace in the manner and at the time by Law for that purpose appointed. So help me God."

That it shall be lawful for the Magistrate for the Kingstown District, immediately after he himself has been so appointed and taken such Oath as aforesaid, to appoint a fit person to be a Clerk to such Magistrate to assist

No. 96.
24th December, 1853.

Proviso.

As to any two Justices taking a part in proceedings before the Magistrates.

Proviso.

As to such two Justices being present during the whole hearing.

CL. V.

Magistrates to have the same jurisdiction as any former Police Magistrate appointed under any Act now expired.

CL. VI.

Boundaries of the Police Districts. [Repealed by "The Amended Police Act, 1857."]

CL. VII.

Boundaries of the Police Districts in respect to offences, &c., committed on the High Seas.

CL. VIII.

Magistrates to attend at certain times and places. [Repealed by "The Amended Police Act, 1857."]

CL. IX.

Oath to be taken by the Magistrates appointed by virtue of this Act.

CL. X.

Magistrate for the Kingstown District to appoint a Clerk.

No. 96.
24th December, 1853.

Proviso.
Magistrate to be responsible for the acts of the Clerk.

CL. XI.
Clerk to attend daily at the Police Office, Kingstown.

CL. XII.
No Magistrate, being a barrister, [or Attorney-at-law] to practise in Civil or Criminal Courts in cases connected with proceedings taken before him as a Magistrate.

Procedure, &c.

CL. XIII.
Procedure before the Police Magistrates the same as before Justices of the Peace.

Exception

as to Forms.

CL. XIV.
Process in one District need not be endorsed to have effect in another District.

in carrying on generally the business of the Police Court of the said District, and public notice of such appointment shall be given in the 'Gazette,' and such Clerk shall, before he begins to perform the duties of his appointment, be sworn by the Magistrate of the said District honestly, faithfully, and diligently to perform all and every the duties of a Clerk to such Magistrate; and such Clerk shall be under the exclusive control and obey all the lawful commands of the said Magistrate; and the said Magistrate may at any time suspend or dismiss any such Clerk if he be in any way dishonest, unfaithful, or negligent in the discharge of his said duties, or shall in any manner misbehave, or be otherwise in any manner unfit to hold such appointment; and on the resignation, dismissal, or death of any such Clerk, it shall be lawful for the said Magistrate to appoint some other fit person to be a Clerk to such Magistrate in lieu of the person causing such vacancy, and notice of such last-mentioned appointment shall also be given in the said 'Gazette:' *Provided always*, That such Magistrate shall be, and he is hereby declared to be, responsible for the acts, deeds, receipts, and defaults of such Clerk.

That the said Police Office at Kingstown shall be open every day, except Sunday, Christmas-day, Good Friday, or any day appointed for a Public Fast or Thanksgiving, from the hour of ten of the clock in the morning until the hour of three of the clock in the afternoon, and the said Clerk shall attend at the said Police Office daily at the hours aforesaid, and during such other hours as the said Magistrate shall consider necessary and appoint, or the business may require.

That no Magistrate, being a Barrister or Attorney-at-Law, shall practice as such, or be concerned in any prosecution or action in either of the Civil or Criminal Courts within the said Government in any case which may arise out of or can either directly or indirectly be connected with any proceeding had or taken before him as a Magistrate, and any Magistrate being such Barrister or Attorney-at-Law who shall commence, prosecute, or defend any action in any Civil Court, or be concerned in any Prosecution before any Criminal Court within the said Government in respect of any such case as aforesaid, on the same being proved to the satisfaction of the Governor, shall be forthwith dismissed from the said office of Magistrate.

And with respect to the Procedure and Process in the different Districts; Accounts to be kept by the Magistrates; returns of Magistrates and Gaoler to the Governor; Absence of Magistrates; Bench of Magistrates:

That the mode of Procedure upon any Information laid, or Charge made before any such Magistrate that any person has committed or is suspected to have committed any petty misdemeanour or other offence, or any petty offence whatever within the said Government, or on the High Seas; and in all cases of any Complaint laid or Charge made for any matter of complaint upon which the said Magistrates may make an order for the payment of money or otherwise, shall be the same so far as the same is applicable as the mode of procedure pointed out in a certain Act made and passed in this present Quarterly Meeting of the said Legislature, and which may be cited as "The Summary Procedure Act, 1853," except in all such cases as those in which any specific mode of Procedure is pointed out by any Statute or any Act of the said Legislature for the recovery of any Penalties, fines, or forfeitures to be imposed or any sums of money to be paid by virtue of any such Statute or of any such Act of the said Legislature; and such Forms from time to time be used as may be applicable to the mode of procedure under such last-mentioned Act, 1853, by virtue of the power and authority thereby and therein given, modified for the use of such Magistrates in such manner as may be applicable to them as the Governor in Council may think fit and proper, or Forms to the same or the like effect, shall be used by the said Magistrates, and shall be deemed, good, valid, and sufficient in Law.

That all Summonses, orders, warrants, or other process or proceedings issued by any of the said Magistrates in respect to any Information and Complaint; or any Information, or Complaint, or Charge, or any other matter within their respective jurisdictions arising within the said Government, may be served or executed anywhere within the said Government.

either in or out of the District to which the Magistrate issuing the same may be appointed, by the Constable or Peace Officer to whom the same shall be directed, or any other Constable or Peace Officer, and shall have the same force and effect, and be served or executed in the same manner as if the same had been originally issued or subsequently indorsed by the Magistrate having jurisdiction in the District in which the same may be served or executed.

That the said Magistrates shall keep a full, true, and particular account of all Penalties, fines, forfeitures, fees, and other sums of money which shall have been recovered, levied, or received by them respectively, in pursuance of any conviction or order made by them, or of any Process or Warrant issued from and out of any of the said Courts, by virtue of any Statute or of any Act of the said Legislature now in force, or of any Statute or of any such Act hereafter to be in force within the said Government; and the same shall be paid by the said Magistrates respectively every month, except otherwise provided for, to the said Treasurer for the public uses of the said Government; and all penalties, fines, forfeitures, costs, and other sums of money paid by persons committed to the said gaol by the said Magistrates shall be paid to the Gaoler, and by him every month, except otherwise provided for, paid to the said Treasurer, also for the public uses of the said Government.

That the said Magistrate shall, once in every quarter and oftener if required, make a Return to the Governor, made up respectively to the first day in each of the months of January, April, July, and October, according to the Schedule A. to this Act annexed; and an analysis of such Return, according to the Schedule B. to this Act annexed, and a Report and an analysis of such returns similar to Schedule B., also in every year made up to the first day of January in each year; and the Gaoler shall make a Return to the Governor every quarter, according to Schedule C. to this Act annexed, made up respectively to the first day in each of the months of January, April, July, and October, and a similar Annual Return made up to the first day of January in this year; and the quarterly returns shall be laid before the Council and House of Assembly at the Quarterly Meeting of the said Legislature next after the quarter to which they relate; and the annual returns at the first Quarterly Meeting in each year.

That the Governor may, at any time he may consider it necessary for the public service, appoint any one or more of the said Magistrates to any other of the said Districts than that to which he may be permanently appointed, to hear, try, and determine any Information or Complaint or Charge in such other Districts, so as to form a Bench of Magistrates together with the Magistrate of such District, or if necessary with the Magistrate of such District and any other Justice or Justices of the Peace; and the Governor shall appoint such Magistrate as he may think fit the Chairman of such Bench of Magistrates.

And whereas any one of the said Magistrates while within the said Government, may, from sickness or interest, be unable to perform the duties of his appointment, whereby inconvenience to the Public may be occasioned: *Be it enacted*, That in any such case one other of the said Magistrates or any Stipendiary and Special Magistrate, or any two of Her Majesty's Justices of the Peace assigned to keep the peace in and for the said Government, to be appointed by the Governor, may perform and execute all and every, or any of the duties of such Magistrate by virtue of this Act, and that all and every the duties performed and executed by such other Police or Stipendiary and Special Magistrate, or by any such two Justices of the Peace conjointly, and at one and the same time, shall have, to all intents and purposes, the same power, force, and effect in all respects as if the duties had been performed and executed by such Magistrate. And such other Police or Stipendiary and Special Magistrate, or such two Justices of the Peace shall deliver up or cause to be delivered up all and each and every the Informations and Complaints, or Informations, or Complaints, or Charges, Warrants, Notes of Evidence, and all other documents, papers, and proceedings, and sums of money in their possession by virtue of this Act, to the Magistrate in the

No. 96.
24th December, 1853.

CL. XV.
Magistrates to keep accounts of Penalties, &c., and to pay, &c., every month to the Treasurer.

Gaoler to pay Penalties, &c., every month to the Treasurer.

CL. XVI.
Magistrates to make quarterly and annual returns to Governor. Schedules A., B., C.

Gaoler to make quarterly and annual returns to Governor.

CL. XVII.
The Governor may appoint any one or more of such Magistrates as a Bench of Magistrates.

Preamble.

CL. XVIII.
One other of the said Magistrates, or a Stipendiary or Special Justice, or two Justices of the Peace, to be appointed by the Governor to perform the duties of Police Magistrate in certain cases.

No. 96.
24th December, 1853.

Proviso.

Any one of such two Justices to receive original Information, or Complaint, or Charge, and issue a Summons or Warrant.

CL. XIX.

Governor may appoint an Acting Police Magistrate if any Magistrate absent on leave, and the Acting Police Magistrate to have one half the salary, &c.

Police Force.

[See Act July, 1859.]

CL. XX.

Appointment of the Superintendent of Police.

CL. XXI.

Duties of the Superintendent of Police and his Residence; not to hold any other office.

[See Amended Police Act, 1859, s. 1.]

CL. XXII.

Superintendent of Police, under the authority of the Governor, to direct the whole Police Force, and may suspend any Serjeant or Constable, and report the same.

CL. XXIII.

Superintendent to make periodical visits to the other Districts, and to have a fixed sum allowed for a horse. [See Amended Police Act, 1859, s. 1.]

CL. XXIV.

Superintendent, by virtue of the Act, a

District in which such other Police or Stipendiary and Special Magistrate or such two Justices of the Peace may so act; and such Magistrate shall cause the said Informations and Complaints, Informations, Complaints, Charges, Warrants, Notes of Evidence, and all other documents, papers, and proceedings, to be kept by him in like manner as if the same had been taken before him; and that whenever, and for so long a period as any such other Police or Stipendiary and Special Magistrate or such two Justices shall perform and execute such duties, they shall and may have the same powers and authority for the purposes of this Act, and be liable to the same responsibilities to all intents and purposes as the Magistrate so sick or interested: *Provided always*, nevertheless, That any one of two such Justices shall be competent to receive the original Information and Complaint, or Information, or Complaint, or Charge, and to issue any summons or warrant requiring the parties to appear before two or more Justices of the Peace, as the case may require, for such Information and Complaint, or Information, or Complaint, or Charge to be heard, tried, and determined.

That if at any time the Governor shall think fit to grant leave of absence to any Magistrate, it shall be lawful for the Governor to appoint an Acting Police Magistrate to perform all and each of and every of the duties of the Magistrate to whom such leave of absence may be granted while such Magistrate shall be absent on such leave; and the Acting Police Magistrate shall be entitled to have and receive one half the salary and emoluments of the Magistrate to whom such leave of absence may be granted while such Magistrate may be so absent.

And, with respect to the permanent appointment of a Superintendent of Police, and a Police Force and its Government: *Be it enacted*, That it shall be lawful for the Governor immediately after the publication of this Act to appoint a fit and proper person to be a Superintendent of Police, to direct the Police Force hereinafter appointed.

That the Superintendent of Police shall perform and execute such duties as are hereinafter mentioned, and such as may be more particularly described in the rules, orders, and regulations for the general government also hereinafter mentioned, or as shall from time to time be directed by the Governor for the more efficient performance of the duties of the said Police Force; and the Governor may suspend or remove from his appointment such Superintendent for inability, neglect of duty, or any other misbehaviour, if he see occasion so to do; and upon any vacancy in the said appointment by death, resignation, removal, or otherwise, may appoint another fit and proper person as Superintendent of Police in lieu of the person causing such vacancy; and the said Superintendent shall devote his whole time to the Police service and shall not hold or have any other office or employment, or follow any trade or occupation whatever.

That the Superintendent of Police shall, under the authority of the Governor, direct and control the whole of the Police Force within the said Government, and he may at any time suspend any Constable belonging to the said Police Force whom he shall consider remiss or negligent in the discharge of his duty, or who shall in any manner misbehave or be otherwise unfit for the same, and the said Superintendent shall forthwith report to the Governor the cause for his having so suspended such Constable; and the Governor may thereupon after the examination by him into the cause of such suspension either continue such suspension or otherwise, or dismiss such Constable from the service as hereinafter mentioned, or may act towards such Constable in such manner as shall be in accordance with the rules, orders, and regulations hereinafter mentioned.

That the Superintendent of Police shall make from time to time such periodical visits to the other Districts within the said Government as shall be appointed by the said rules, orders, and regulations; and shall make such other visits as the Governor may consider expedient and necessary for the efficient carrying on and performance of the duties of the Police Force, and as the Governor shall see fit to order.

That the Superintendent of Police so appointed shall be sworn in as hereinafter mentioned, and when so sworn in shall become and continue, so

long as he holds the said appointment and no longer, by virtue of this Act a Justice of the Peace in and for the said Government; and such Superintendent shall at all times act ministerially, when necessary, for the preservation of the peace, or prevention of crime, or for the detention or arrest of offenders against the Law, as a Justice of the Peace at Common Law, but such Superintendent of Police shall not act in any way judicially as a Justice of the Peace, either in any Police-court, or in any other Court, or in any other manner whatever.

That the Superintendent of Police appointed by virtue of this Act shall, before he shall begin to execute any of the duties of his appointment, take the following Oath before the Governor, or in case of the sickness of the Governor, before the Chief Justice of the Island of St. Vincent and its Dependencies, that is to say:—"I A. B. do swear that I will faithfully, impartially, fearlessly, and honestly, according to the best of my skill and ability, execute all the powers vested in me, and perform all the duties imposed upon me as the Superintendent of Police, under and by virtue of an Act, intituled 'An Act for the appointment of Police Magistrates, and for the permanent establishment of a Police Force.' So help me God."

That at any time the Governor shall think fit to grant leave of absence to the Superintendent of Police, it shall be lawful for the Governor to appoint an Acting Superintendent of Police to execute the powers and to perform all and each of and every of the duties of the Superintendent of Police while he may be absent on such leave; and the Superintendent of Police shall be entitled to have and receive one half his salary while he may be so absent; and the Acting Superintendent of Police shall be entitled to have and receive, while he shall hold such appointment, the other half of the salary of the said Superintendent of Police.

That it shall be lawful for the Governor, immediately after the publication of this Act, to appoint fit and able men as Constables to form a permanent Police Force for the said Government.

And the Serjeants of Police and Constables shall be sworn in as hereinafter mentioned, and when so sworn in shall have, not only in the district to which they may be specially appointed to serve but generally throughout the said Government, and in and upon the water of the several bays, creeks, inlets and rivers, wharfs, quays, and landing-places adjacent to the land of the said Island of St. Vincent and its Dependencies, therein and thereupon all such authority, privileges, protection, and advantages, and be liable to all such duties and responsibilities, pains and penalties, as fully as any Constable duly appointed now has or hereafter may have within any part of the said Government, by virtue either of the Common Law of the Realm, or by virtue of any Statute or Statutes, or of any Act or Acts of the said Legislature now or hereafter to be in force within the said Government, and shall obey all such lawful commands as they may from time to time receive from any of the said Magistrates and from the Superintendent of Police.

* * * * *

That it shall be lawful for the Governor to frame or cause to be framed such Rules, Orders, and Regulations as he shall consider expedient and necessary relative to the general government of the Superintendent of Police, Serjeants of Police, and of the Constables to be appointed members of the Police Force by virtue of this Act; and in particular as to their qualification, conditions of entry into the service, organization, places of residence, classification, rank, and particular service, their distribution, except as specially provided for by any other Act of the said Legislature, and inspection, the description of their arms and accoutrements when required, staffs of office, and other necessities to be furnished them; and all such other rules, orders, and regulations as the Governor may from time to time consider fit and expedient for preventing any neglect of duty, or any abuse in the discharge of it or other misconduct, and for rendering the Police Force generally efficient in the discharge of all its duties; and the Governor may from time to time add to, alter, or annul any of such rules, orders, and regulations, and make such new ones as may be found expedient and necessary: and all

No. 96.
24th December, 1853.

Justice of the Peace, but shall not act in any way judicially.

CL. XXV.
Oath to be taken by the Superintendent of Police.

CL. XXVI.
Governor may appoint an Acting Superintendent of Police if Superintendent be absent on leave, and the Acting Superintendent of Police to have one half the salary of the Superintendent of Police and the whole of the fixed sum allowed for a horse; [as per Amended Police Act, 1859, s. 1.]

CL. XXVII.
Appointment of a Police force for the said Government. Part of this Section repealed by Amended Police Act, 1855, s. 5. [Now repealed.]

CL. XXVIII.
[Repealed; *ibid.* s. 5.]

CL. XXIX.
The Governor to frame, or cause to be framed, Rules, Orders, and Regulations for the General government of the Police force.

No. 96.
24th December, 1853.

[*Vide Amended Police Act, 1859.*]

CL. XXX.
Governor may cause the Rules, Orders, and Regulations to be printed, and all Proclamations, &c., for Police purposes also to be printed and circulated.

CL. XXXI.
Governor may dismiss any member of the Police Force.

CL. XXXII.
Oath to be taken by the members of the Police Force before the Magistrate for the District.

CL. XXXIII.
[Repealed; see Amended Police Act, 1859, s. 1.]

CL. XXXIV.
The Governor, upon any vacancy, may appoint another fit and proper person in lieu of the person causing such vacancy.

CL. XXXV.
Constables to devote their whole time to the Police service, and to wear uniform.

CL. XXXVI.
Magistrates, &c., exempt from serving on Juries.

such rules, orders, and regulations shall from time to time have the same force and effect as if the same were especially set forth and introduced into this Act; and such rules, orders, and regulations shall be laid before the Council and House of Assembly during the Quarterly Meeting next after this Act shall come into operation, and so during the first Quarterly Meeting of the said Legislature in each year; and if any or either of such rules, orders, and regulations shall within three months next after their being so laid before the said Legislature be disallowed by Resolution of the Council or Assembly, any such rules, orders, or regulations shall from the time of such resolution being forwarded to the Governor cease to be of any force or effect.

That the Governor may cause such Rules, Orders, and Regulations as aforesaid to be printed and distributed to the said Magistrates, the said Superintendents of Police, Serjeants of Police, and Constables, and to such other persons as the Governor may think fit and proper to be in the possession of such rules, orders, and regulations; and that the Governor may also cause all such proclamations, notices, and other documents to be printed and circulated in such manner as he may think fit, and as he may consider necessary for Police purposes, and necessary to be communicated to the public; and the expenses of the printing and distributing such rules, orders, and regulations, and of the printing and circulating such proclamations, notices, and other documents, shall be paid for by the said Government.

That the Governor may at any time dismiss from his employment any Constable belonging to the said Police Force whom he shall consider remiss or negligent in the discharge of his duty or otherwise unfit for the same, and when any such Constable shall be so dismissed, all the powers vested in him as a Constable by virtue of this Act shall immediately cease and determine.

That the Constables appointed by virtue of this Act shall, before they begin to execute the duties of their office as Constables, take the following Oath before the Magistrate for the District to which such Constable shall be appointed, or, in case of his sickness before such other one of the said Magistrates as the Governor for such purpose may think fit to appoint:—"I *A. B.* do swear that I will well and truly serve our Sovereign Lady the Queen in the Office of Constable, without favour or affection, malice or ill-will, and that I will to the best of my power cause the peace to be kept and preserved, and will prevent all felonies, robberies, and other offences against either the person or properties of Her Majesty's subjects, and that so long as I continue to hold the said office of Constable by virtue of an Act intituled, 'An Act for the appointment of Police Magistrates, and for the permanent establishment of a Police Force,' I will, to the best of my skill and knowledge, discharge all the duties of a Constable faithfully, fearlessly, and honestly, and according to Law."

* * * * *

That the Governor may upon any vacancy in the said Police Force, either by death, resignation, or dismissal, appoint another fit and proper person in lieu of the person causing such vacancy, and every such person so appointed shall thereupon become invested with all and singular the authority, privileges, protection, and advantages, and be liable to all such duties and responsibilities as any other person appointed by virtue of this Act.

That the Serjeants of Police and Constables appointed by virtue of this Act shall devote their whole time to the duties of the Police service, and shall neither hold nor have any other office or employment, nor follow any trade or other occupation whatever; and shall all wear a distinguishing uniform to be selected by the Governor and to be particularly described in the said rules, orders, and regulations to be drawn up as hereinbefore mentioned for the general government of the Police Force.

That the said Magistrates, Superintendent of Police, Constables, and the Clerk to the Police Magistrate of the Kingstown District, shall during the time they continue in such appointments be exempt and disqualified from

being returned and from serving on any juries or inquests whatsoever, and shall not be inserted in any lists of persons qualified and liable to serve as jurors.

And with respect to some special powers and duties of Constables, *Be it enacted*, That it shall be lawful for any Constable having just cause to suspect that any Felony has been, or is about to be committed in or on board of any Ship, vessel, boat, barge, or canoe, lying and being at anchor or otherwise in any bay, creek, inlet, or river, or which may be on the High Seas and within three miles of the shore of any part of the said Government adjacent to the land of the said Government, to enter at all times, as well by night as by day, into and upon every such Ship, vessel, boat, barge, or canoe, and therein to take all necessary measures for the effectual prevention or detection of all Felonies which he has just cause to suspect have been, or to be about to be, committed in or upon any bay, creek, inlet, or river, and to take into custody all persons suspected of being concerned in such Felonies, and also to take charge of all property suspected to be stolen; and any Constable, upon the request of the Master, Mate, or other person in charge of any such Ship, vessel, boat, barge, or canoe, may in like manner enter such Ship, vessel, boat, barge, or canoe, in all cases of petty Misdemeanour or other offence, or any petty offence, in the same manner as such Constable would, at the request of the occupier of any house or other property, enter into such house or other property situate in any part of the land of the said Government.

That if any Constable or any other person shall report to any Magistrate that there are good grounds for believing any house or room situate within the District of such Magistrate to be kept or used as a common Gaming-house, and if two or more householders dwelling within such district, and not belonging to the Police Force, shall make Oath in writing to be by them taken and subscribed before the said Magistrate, that the premises so reported on by such Constable or other person are commonly reported to be, and are believed by the deponents to be, kept or used as a common Gaming-house, it shall be lawful for the said Magistrate by an order in writing to authorize any Constable to enter any such house or room, with such other Constables as shall be directed by the said Magistrate to accompany him; and, if necessary, to use force for the purpose of effecting such entry whether by breaking open doors or otherwise, and to take into custody all persons who shall be found therein, and to seize and destroy all tables and instruments of gaming found in such house, room, or premises; and also to seize all moneys and securities for money found therein; and the Owner or Keeper of the said Gaming-house, or other person having the care and management thereof, and also every Banker, Croupier, and other person who shall act in any manner in conducting the said common Gaming-house, and every person found in such house, or room, or on the premises without lawful excuse, shall be dealt with according to Law.

That it shall be lawful for any Constable, and all persons whom he shall call to his assistance, to take into custody without a Warrant any person who, within the view of any such Constable, shall offend in any manner against the provisions of any Statute or of any Act of the said Legislature now or hereafter to be in force within the said Government giving summary jurisdiction to Magistrates or Justices of the Peace; and if the name or residence of such person be unknown to such Constable, and the name and residence of such person cannot at once or at the Station-house be ascertained by such Constable, such person shall be detained in custody, and such Constable shall proceed against such person according to Law; and if the name and residence of such person be known to such Constable, or can at once or at the Station-house be ascertained by such Constable, and the offence for which such person, within the view of such Constable, shall have been so taken into custody as aforesaid be a petty offence only, such Constable shall either discharge such person out of custody, and lay an Information before the Magistrate of the District in which such petty offence may have been committed, or a recognizance of such person, with or without a surety or sureties conditioned as hereinafter mentioned, shall be taken, and such Constable shall

No. 96.
24th December, 1853.

SPECIAL POWERS.

CL. XXXVII.
Constables may enter Ships, &c., and take into custody suspected persons.

CL. XXXVIII.
Constables may enter common Gaming-houses.

CL. XXXIX.
A Constable may take into custody any person committing any offence within view without a Warrant, if unknown.

No. 96.
24th December, 1853.

CL. XL.
A Constable may take into custody without a Warrant any person whom any other person positively charges with any Felony, &c.

make a charge against such person for the petty offence so committed and proved against such person, according to Law.

That it shall be lawful for any Constable, and all persons whom he shall call to his assistance, to take into custody without a Warrant, any person whom any other person positively charges with having committed any Felony indictable, Misdemeanour, or any other indictable offence not punishable on summary conviction, or any Petty Misdemeanour for any larceny, embezzlement, obtaining money under false pretences, or for receiving stolen goods, or any person whom any other person suspects of having committed any Felony indictable, Misdemeanour, or any other indictable offence not punishable on summary conviction, or any such Petty Misdemeanour as aforesaid, if the suspicion of such other person appear to such Constable to be well founded, and such other person is willing to accompany such Constable, and at the Station-house, as hereinafter mentioned, is willing to enter into a recognizance conditioned as hereinafter mentioned to prosecute such charge; and it shall also be lawful for any Constable, and all persons whom he shall call to his assistance, to take into custody without a Warrant any person whom any other person positively charges with having committed any Petty Misdemeanour, except for a common assault, or for threatening, abusive, and insulting words or behaviour, and such other person is willing to accompany such Constable, and at the Station-house, as hereinafter mentioned, is willing to enter into a recognizance conditioned as hereinafter mentioned to prosecute such charge.

CL. XLI.
A Constable may take into custody, without a Warrant, loose, idle, or disorderly persons.

That it shall be lawful for any Constable to take into custody without a Warrant all loose, idle, or disorderly persons whom he shall find in any way disturbing the public peace, or whom he shall have good cause to suspect of having committed or being about to commit any Felony indictable, Misdemeanour, or other indictable offence, or any Petty Misdemeanour, or breach of the peace, and all persons whom he shall find between sunset and the hour of six of the clock in the morning lying or loitering in any highway, yard, or other place, and not giving when required by such Constable a satisfactory account of themselves.

CL. XLII.
A Constable may take into custody, without a Warrant, any person charged with having committed an Aggravated Assault.

That it shall be lawful for any Constable to take into custody without a Warrant any person who shall be charged by any other person with having committed any Aggravated Assault, in every case in which such Constable shall have good reason to believe that such assault has been committed, although not within view of such Constable, and that by reason of the recent commission of such assault a Warrant could not have been obtained for the apprehension of the person charged.

CL. XLIII.
Persons found committing on Property any offence punishable on indictment, or upon summary conviction, may be taken into custody by Peace Officer or Owner, &c.

That any person found committing on, against, or with respect to the goods or chattels, or other property of any other person, any offence punishable either upon indictment or upon summary conviction by virtue of any Statute or of any Act of the said Legislature now or hereafter to be in force within the said Government, may be taken into custody without a Warrant by any Peace Officer, or by the owner of any such goods or chattels or other property, or by the servant of such owner, or by any person authorized by such owner, and the person found committing any such offence may be detained until he can be delivered into the custody of a Constable on a charge of any such offence, to be dealt with according to law; and if on such charge being made any person shall make Oath before the Magistrate of the District in which the person shall be found committing such offence that he has reasonable cause to suspect, and does suspect, that the person so charged or any other person has unlawfully in his possession or on his premises any goods or chattels or other property, on, against, or with respect to which any such offence shall have been committed, such Magistrate may grant a Search Warrant for such goods or chattels or other property, as in the case of stolen goods; and any Constable may stop, search, and detain any vessel, boat, cart, or carriage in or upon which there shall be reason to suspect that any goods or chattels or other property stolen or unlawfully obtained may be found; and also any person who may be reasonably suspected of having in his possession, or of conveying in any manner, anything stolen or unlawfully obtained; and any person to whom any goods or chattels or other property

A Constable may stop any vessel, &c.

And any person suspected of having in his possession anything stolen, &c.

And any person to

shall be offered to be sold, pawned, pledged, or delivered, if he shall have reasonable cause to suspect that any such offence has been committed on, against, or with respect to such goods or chattels or other property, or that any such goods or chattels or other property, or any part thereof, has been stolen or otherwise unlawfully obtained, is hereby authorized, and if in his power is hereby required, to take into custody and to detain, and as soon as may be to deliver such person into the custody of a Constable, together with such goods or chattels or other property, to be dealt with according to Law.

That if any two of the inhabitants of any Police District together with any Medical Practitioner resident within such District, or any one of the Townwardens of any town within the said Government together with any Medical Practitioner resident within such town, shall be of opinion, and shall certify under their hands to the Magistrate of such District, or of the district in which such town may be situate, that any house, or any part of any house, or any yard, or any part of any yard within such District or within such town is in so filthy or unwholesome a condition that the health of the inmates or of the Public is thereby affected or endangered, it shall be lawful for such Magistrate, on a complaint being made and such Certificate being lodged with him, if he shall think fit, to cause a Summons and Notice to be affixed on the door or some other conspicuous part of such house, or on the part of such house or in some part of such yard or on the part of such yard to which such Certificate may refer, requiring the owner, or if absent from the said Government, the Attorney of such owner, or the occupier of such house or such part of such house, or of such yard or of such part of such yard, as the case may be, to appear before him to answer such complaint on some day within the period of twenty-four hours next after the day on which such Summons and Notice shall be so affixed as aforesaid; or to cause such house, or such part of such house, or such yard, or such part of such yard, as the case may be, to be cleansed within the time appointed for the owner, or Attorney, or occupier to appear before such Magistrate; and if within such period such house or such part of such house, or such yard or such part of such yard shall not be cleansed to the entire satisfaction of such Medical Practitioner, and such owner, attorney, or occupier, as the case may be, shall not at the hour and place on the day appointed for such purpose appear before such Magistrate and show sufficient cause to the contrary, such Magistrate is hereby authorized and required on proof on oath as in other cases of such Summons and Notice having been so affixed as aforesaid, to make and issue an Order under his hand directed to any Constable to cause such house or such part of such house, or such yard, or such part of such yard, as the case may be, to be cleansed to the entire satisfaction of such Medical Practitioner; and to cause the amount thereof with all costs and charges to be levied and recovered from such owner, attorney, or occupier in the same manner as penalties, fines, forfeitures, or other sums of money or costs may be levied and recovered on summary conviction or order; and in default of payment such owner, attorney, or occupier shall be liable to imprisonment as in all other cases on summary order for the payment of money.

Whereas an illicit trade is still carried on between some of the inhabitants of the said Government and some of those of the neighbouring Islands, whereby the smuggler has an undue advantage over the fair dealer, and the revenue of the said Government is defrauded; *And whereas* doubts may be entertained as to the authority of the Police Force of the said Government to stop, take, or detain goods liable to forfeiture, or suspected to be smuggled, which doubts it is expedient to determine and to give to the Police Force such authority: *Be it enacted*, That it shall be lawful for, and any Constable is hereby authorized and required to stop and take into his possession all goods subject or liable, or reasonably suspected to be subject or liable to forfeiture under any Statute or any Act of the said Legislature relating to Her Majesty's Customs, or under any Act of the said Legislature now or hereafter to be in force within the said Government relating to any Duty payable on any goods, wares, or merchandise to be imported into the said Government, or smuggled or reasonably suspected to

No. 96.
24th December, 1853.

whom goods may be offered to be sold, &c., may take the person by whom offered into custody.

CL. XLIV.
Magistrate, under certain circumstances, may order any house, &c., if in a filthy or unwholesome condition, to be cleansed.

Preamble.

CL. XLV.
Any Constable to stop, take, and detain any goods liable to forfeiture or reasonably suspected of being smuggled.

No. 96.
24th December, 1853.

be smuggled, and to carry the same to the Office of the said Treasurer, and there deliver them to the said Treasurer; and if any such goods shall be stopped and taken by any such Constable into his possession reasonably suspected of being stolen or unlawfully obtained, it shall be lawful for such Constable to convey the same to the Police Station, together with the person from whom the goods so suspected of being stolen or unlawfully obtained may be taken, and detain them there in order to be produced at the trial of such person, and in such case such Constable is hereby required to give notice to the said Treasurer of such goods being so detained, together with the particulars of the same; and immediately after the trial of such offender, all such goods shall be conveyed and deposited at the Office of the said Treasurer, for such proceedings to be taken concerning them as may be according to Law; and in case any such Constable having so stopped, taken, and detained such goods, shall neglect to convey the same to the said Treasurer, or to give such notice as aforesaid as the case may be, such Constable shall be deemed guilty of a Petty Misdemeanour; and it shall be lawful for any such Constable or any person acting in his aid or assistance, upon reasonable suspicion, to stop and search any Ship, vessel, boat, barge, or canoe within three miles of the shore of any part of the said Government, or any cart, carriage, or other conveyance for the purpose of ascertaining whether any goods subject or liable, or suspected to be subject or liable to forfeiture as aforesaid, or smuggled or suspected to be smuggled, are contained therein; and if no such goods shall be found, then and in such case such Constable or other person having so stopped and searched such Ship, vessel, boat, barge, canoe, cart, carriage, or other conveyance, shall not, on account thereof, be liable to any prosecution or action at Law; and any person in charge of such Ship, vessel, boat, barge, canoe, cart, carriage, or other conveyance, refusing to stop when required so to do in Her Majesty's name by such Constable, or such other person, shall be deemed guilty of a Petty Misdemeanour, and the forfeitures under any Statute or any Act of the said Legislature relating to the said Customs, or under any Act of the said Legislature now or hereafter to be in force within the said Government relating to any Duty payable on any goods, wares, or merchandise to be imported into the said Government, shall and may nevertheless be sued for, and prosecuted, tried, recovered, distributed, and applied in such and the like manner, and by the same ways and means, and subject to the same rules and directions, as any penalties, fines, and forfeitures, or sums of money incurred by any violation of the laws relating to the said Customs, or by the violation of any such Act of the said Legislature.

CL. XLVI.
Persons taken into custody without a Warrant to be taken to the nearest Station House.

Constable in charge of Station House may take recognizance in certain cases.

Proviso.
If person taken into custody shall require and be prepared to enter into a recognizance, to be taken before a Magistrate or a Justice of the Peace.

CL. XLVII.
Constable in charge of

That whenever any person shall be taken into custody by any Constable, Peace-officer, or other person, without a Warrant, except a person detained for the purpose only of ascertaining his name or residence, such person shall be immediately taken to the nearest Station House, and there delivered over to the Constable in charge of such Station House, in order that such person may be secured until he can be brought up before a Magistrate on the charge upon which he may have been taken into custody, to be dealt with according to Law; or it shall be lawful for the Constable in charge of such Station House during the time such Police Courts shall be shut, except such persons may have been so taken on a charge of Felony, or indictable Misdemeanour or any other indictable offence, or on a charge of any Larceny, or of Embezzlement, or of obtaining Money or any Goods or Chattels under false pretences, or of the receiving Stolen Goods, although such last-mentioned offences may be punishable on summary conviction, if such Constable shall consider it prudent to take the recognizances of such persons with or without sureties conditioned as hereinafter mentioned; *Provided always*, That if the person so taken on any such charge as aforesaid shall require and be prepared to enter into such recognizance as aforesaid in respect to any of the offences hereinbefore excepted, such person shall be taken before the Magistrate of the District, or before any Justice of the Peace, who is hereby duly authorized to take such recognizance as in other cases in which Justices of the Peace have jurisdiction.

That whenever any person shall be taken into custody on a charge of

Felony, or indictable Misdemeanour or any other indictable offence, or on a charge of any Larceny, or of Embezzlement, or of obtaining Money or any Goods or Chattels under false pretences, or of the receiving Stolen Goods, although such last-mentioned offences may be punishable on summary conviction, and shall be, without a Warrant, in the custody of any Constable in charge of any Station House during the time such Police Courts shall be shut, it shall be lawful for such Constable to require the person making any such charge to enter into a recognizance conditioned as hereinafter mentioned, and upon the refusal of such person so to do, it shall be lawful for such Constable, if such Constable shall consider it prudent, to discharge from custody the person so charged upon his recognizance, with or without a surety or sureties, as hereinafter mentioned.

That every Recognizance so taken shall be without fee or reward, and shall be conditioned for the appearance of the person bound before the Magistrate of the District in which such Station House shall be situated, at his next sitting, either to appear and answer the charge made against him, or to appear and prosecute the charge against the person so charged, as the case may be, and the time and place of appearance shall be specified in the Recognizance; and the Constable shall enter in a Book, to be kept for that purpose at every such Station House, the name, residence, and occupation of the party and his surety or sureties, if any, entering into such Recognizance, together with the condition thereof and the sum thereby acknowledged, and shall, in case of default, return every such Recognizance to the Magistrate present at the time and place when and where the party is bound to appear: *Provided always*, That if the person so bound shall not afterwards appear at the time and place in such Recognizance mentioned the condition of such Recognizance shall be forfeited, and the sum so forfeited may be proceeded for and recovered in the same manner as other Recognizances when the sum forfeited shall not exceed the sum of Twenty-five Pounds; and the person who shall so proceed shall be entitled to the same advantages as in other cases if the sum so forfeited be recovered and paid.

That the said Magistrates in their respective Districts shall cause a Table of Fees payable on summary proceedings, according to the Schedule of Fees annexed to a certain Act made and passed in this present Quarterly Meeting of the said Legislature, and which may be cited as "The Summary Proceedings Act, 1853," to be pasted on a pasteboard and hung up in some conspicuous and accessible part of the said Police Courts in the Calliaqua District, the Windward District, and the Leeward District, and in the Police Court of the Magistrate for the Grenadine District at Admiralty Bay aforesaid; and in the Post Office of the Kingstown District at Kingstown aforesaid; and it shall be lawful for any of the said Magistrates to refuse to do any act for which any Fee shall be demandable unless such fee shall be first paid.

That the Constable shall be at liberty to take all such proceedings as may be necessary on any Information or Complaint laid or Charge made by him before such Magistrates without any Fees being demandable of him; but if the Defendant shall be convicted on any such Information or Charge, or shall be ordered to pay any sum of money on any such Complaint or Charge, the costs shall nevertheless be ordered to be paid or not by such Defendant as in other cases, and such costs shall be paid over to the said Treasurer for the public uses of the said Government: *Provided also*, That if the Magistrates shall be of opinion that such Information or Complaint or Charge is either vexatious or frivolous, or that there was no just or sufficient ground for laying such Information or making such Complaint or Charge, such Constable shall be liable to pay such compensation or amends as any other Prosecutor or Complainant in other cases in which Justices of the Peace have jurisdiction.

And with respect to the relief of Justices of the Peace by the provisions of this Act: *Whereas* it is intended by the appointment hereinbefore created of the said Police Magistrates, and by the provisions generally of this Act, to relieve the Justices of the Peace in and for the said Government during the existence of such appointments of the necessity for performing

No. 96.
24th December, 1853.

Station House to require the person making a charge of Felony &c., to enter into a recognizance, or the person charged may be discharged from custody.

CL. XLVIII.
Condition of the Recognizance taken at the Station Houses.

Proviso.
As to the forfeiture of the condition of the Recognizances taken.

CL. XLIX.
Table of Fees to be hung up in every Police Court and in Police Office, Kingstown.

CL. L.
Constables to demand no Fees; but the person convicted, &c., to pay costs, to be paid over to the Treasurer.

Proviso.
If Information vexatious or frivolous, &c., Constable liable to pay Compensation, &c., as in other cases.

Preamble.
Relief of Justices of the Peace.

No. 96.
24th December, 1853.

CL. LI.
Justices of the Peace not compelled to take any Information, &c., in case of summary jurisdiction, or to hear, try, and determine the same.

Proviso.
As to Fees being paid by Police Magistrates to the Treasurer.

CL. LII.
The day on which the Act shall come into operation.

CL. LIII.
Act may be altered, &c., during the present Quarterly Meeting.

those duties which may be considered at present imposed upon them by many of the Acts of the said Legislature now in force giving summary jurisdiction to such Justices, and also to relieve them of any future necessity for performing such duties as may be considered to be hereafter imposed upon them by any Act or Acts of the said Legislature which may hereafter be in force within the said Government giving summary jurisdiction to Justices of the Peace; *And whereas* doubts may exist now or hereafter in respect to such Acts of the said Legislature, notwithstanding such appointments, as to the power of such Justices to refuse to take any Information or Complaint or Charge in respect to any petty Misdemeanour or other offence, or any petty offence punishable on summary conviction on any Complaint, the matter of which may be the subject of summary order, and to hear, try, and determine the same: *Be it enacted*, That so long as there may exist such appointments of Police Magistrates as aforesaid it shall not be compulsory upon any Justice or Justices of the Peace in and for the said Government to take any Information or Complaint or Charge in respect to any petty Misdemeanour or other offence, or any petty offence under any Act of the said Legislature now in force, or which may hereafter be in force within the said Government giving summary jurisdiction to such Justices, or for any such Justices to hear, try, and determine any such petty Misdemeanour or other offence, or any petty offence charged in any such Information or Charge, or any matter of Complaint contained in any such Complaint or Charge, but that any such Justice, not being a Police Magistrate or Justice, may refuse to take any such Information, or Complaint, or Charge, or may refuse to hear, try, and determine any such Information or Complaint or Charge during the existence of such appointments as aforesaid, and shall not be liable for [to] any prosecution or for [to] any Action at Law for such refusal, any Law, Act, usage or custom to the contrary notwithstanding: *Provided always*, That every Police Magistrate appointed by virtue of this Act shall pay all Fees received by him under or by virtue of this Act to the said Treasurer for the public uses of the said Government.

That this Act shall come into operation on the day next after the same shall be published in the usual manner by the Provost Marshal of the said Government.

That this Act may be altered, amended, or repealed by any Act to be passed during the present or any future Quarterly Meeting of the said Legislature.

No. 96.
24th December, 1853.

SCHEDULE A.

No.	Place of Hearing.	Date of Hearing.	Names of Prosecutors or Complainants.	Names of Defendants.	Offences.	Convicted, Dismissed, Withdrawn, Compromised, Struck out.	Punishment.					Penalties and Fines collected.	Penalties and Fines, how disposed of.			Paid to Prosecutors or Complainants, or other Persons by way of Compensation or Amends.
							Amount of Penalties, Fines, &c.	Amends ordered to be Paid.	Amount of Costs ordered to be Paid.	Term of Imprisonment.						
										With Labour.	Without Labour.					

SCHEDULE B.

SAINT VINCENT.

Police District.

A Return of Cases entertained and disposed of by the day of to the day of
Quarterly Statement of the Penalties and Fines imposed and collected, and the Sums of Money received, how disposed of, and to whom paid, by the said Police Magistrate within the same period.

Esquire, Police Magistrate for the

Police District, from
Analysis of the said Return, and a
to whom paid, by the
P. M. D. and J. P.

SCHEDULE B.

AN ANALYSIS of the QUARTERLY RETURN of CASES entertained and disposed of by
from the day of to the

DATE.	The Offence Act, 1853.																	
	Assault and Battery.			Larceny, Embezzlement, Obtaining Money under False Pretences, Receivers of Stolen Goods.			Damage to Property, with intent to Steal and Damage only.			Threatening and Abusive Words and Behaviour.			Other Offences.			Total Offences under this Act.		
	Complaints.	Convictions.	Commitments.	Complaints.	Convictions.	Commitments.	Complaints.	Convictions.	Commitments.	Complaints.	Convictions.	Commitments.	Complaints.	Convictions.	Commitments.	Complaints.	Convictions.	Commitments.
Brought from last Quarter																		
During the month of .																		
" "																		
" "																		
Quarterly Total . . .																		
Increase on last Quarter																		
Decrease on last Quarter																		

A QUARTERLY STATEMENT of the FINES imposed and collected, and the Sums of Money received
, the particulars of which are set forth in the foregoing Return of Cases,
from the day of to the

DATE.	Complaints made by the Police.							Penalties.	
	Number of Informations or Complaints.	Number of Convictions.	Number of Commitments.	Number of Informations and Charges made by the Police, and sent to the Grand Sessions.	Fines imposed in consequence of the Police Informations or Charges.	Fines paid by Defendants in consequence of the Police Informations or Charges.	Amount of Fees occasioned by the Police, and Paupers not Charged.	Imposed by the Police Magistrate during the Quarter.	Paid by Defendants to Police Magistrate during the Quarter.
Brought from last Quarter .									
During the Month of									
" "									
" "									
Quarterly Total									
Increase on last Quarter . .									
Decrease on last Quarter . .									

I do hereby certify the foregoing to be

SCHEDULE B.

Esquire, Police Magistrate for the
day of 18 , both days inclusive.

Police District, in

Offences under other Acts, viz. :— Tax, Market, Town, Seamen's Rum, Charcoal, Import, Vestry, Friendly Societies, &c., &c., &c.			Number of Cases sent to the Grand Sessions.	Total Number of Police Informations, and Charges, and Complaints.			Petty Debt Act.					General Total of all Complaints.	REMARKS.
Complaints.	Convictions.	Commitments.		Complaints.	Convictions.	Commitments.	Complaints lodged.	Judgments given.	Warrants of Execution issued.	Cases paid.	Commitments.		

by Esquire, Police Magistrate for the Police District, in
and of which the above is an Analysis, and how the same have been disposed of, and to whom paid,
day of , 18 , both inclusive.

Fines, Forfeitures, and Costs.								Amounts of the Proceeds of the Seizures of Sugar, Charcoal, and unclaimed Goods, made by the Police, and how disposed of by the [Police Magistrate.		Total Amount of Sums paid by the Police Magistrate during the Quarter to all Persons, in consequence of Complaints brought before him.
Costs paid to Police Magistrate during the Quarter.	Remaining unpaid, and outstanding during the Quarter.	Costs remaining unpaid, and outstanding during the Quarter.	Paid by Defendants in Gaol to the Treasurer during the Quarter.	How disposed of by Police Magistrate.				Paid to the Police.	Paid to the Treasurer.	
				Paid to the Treasurer.	Paid to the Informers.	Paid to Prosecutors and Complainants by way of Compensation or Amends.	Costs paid to the Treasurer.			

correct.

P. M. D. and J. P.

SCHEDULE C.

QUARTERLY RETURN of _____, Gaoler of the Common Gaol of the Island of St. Vincent and its Dependencies, of all Persons Committed to the said Gaol, and of all Penalties, Fines, Forfeitures, and other Sums of Money received by him from the Persons so Committed to Gaol by the Police Magistrates of the respective Districts within the said Government, made up from the _____ day of _____, 18____, to the _____ day of _____, 18____.

Date of Commitment.	Christian and Surname of the Persons Committed. Burname to be placed before the Christian Name.	Profession, Trade, or Occupation.	Name of Police Magistrate signing Commitment.	Short Description of Offence stated in Commitment.	Punishment.			Term of Im-prisonment.			Amounts received by Gaoler.			Date of Discharge.			Amounts paid by Gaoler to the Treasurer.			Commitments for Petty Debt.				General Remarks.
					Penalty, Fine, &c.	Amends.	Costs.	With Labour.	Without Labour.	Penalty, Fine, &c.	Amends.	Costs.	Date of Discharge.	Penalty, Fine, &c.	Amends.	Costs.	Penalty, Fine, &c.	Amends.	Costs.	Amount of Debt.	Costs.	Term of Imprisonment.	Date of Discharge.	

I do hereby certify the foregoing to be correct.

Gaoler.

If fully Committed for Trial at the Grand Sessions, it can be so stated under the head of General Remarks.

No. 97.

An Act to protect Justices of the Peace, and Persons acting by their Authority, from Vexatious Actions for acts done by them respectively in the Execution of the Duties of their Office.

[24th December, 1853.]

WHEREAS it is expedient to protect Justices of the Peace, Police Magistrates, and Stipendiary and Special Magistrates, Constables and other Peace Officers, in the execution of their duty within the Government of the Island of St. Vincent and its Dependencies: *Be it enacted*, by the Officer administering the said Government for the time being, and by the Council and Assembly of the same, that in citing this Act in any other Act of the said Legislature, and in all other legal instruments, it shall be enough to use the expression "The Justices' Protection Act, 1853."

That in the construction of this Act the word "Justice" shall mean any Justice, being one of Her Majesty's Justices of the Peace in and for the said Government, or any Police Magistrate of the said Government, or any Stipendiary and Special Magistrate who is by virtue of a special commission also a Justice of the Peace in and for the said Government, and the word "Constable" shall include and mean any Peace Officer or Constable duly appointed as a Peace Officer or Constable to act either throughout the said Government, or for any Town, or Parish, or Island within the said Government, and the word "Month" shall mean a calendar month; and, unless there be something in the context repugnant thereunto, any word denoting the singular number or the male sex shall be taken to mean and include any number of persons or things, and both sexes.

That every Action hereafter to be brought against any Justice for any act done by him in the execution of his duty as such Justice, with respect to any matter within his jurisdiction as such Justice, shall be an Action on the Case as for a Tort, and in the Declaration it shall be expressly alleged that such act was done maliciously and without reasonable and probable cause; and if at the trial of any such Action, upon the general issue being pleaded, the Plaintiff shall fail to prove such allegation he shall be Nonsuit, or a Verdict shall be given for the Defendant.

That for any act done by a Justice in a matter of which by Law he has not jurisdiction, or in which he shall have exceeded his jurisdiction, any person injured thereby, or by any act done under any Conviction or Order made, or Warrant issued by such Justice in any such matter may maintain an Action against such Justice in the same form and in the same case as he might have done before the passing of this Act, without making any allegation in his Declaration that the act complained of was done maliciously and without reasonable and probable cause: *Provided nevertheless*, That no such Action shall be brought for anything done under such conviction or order, until after such conviction or order shall have been quashed or set aside, either upon appeal or upon application to the Supreme Court of Judicature of the Island of St. Vincent; nor shall any such Action be brought for anything done under any such Warrant which shall have been issued by such Justice to procure the appearance of such person, and which shall have been followed by a conviction or order in the same matter, until after such conviction or order shall have been so quashed or set aside as aforesaid; or if such last-mentioned Warrant shall not have been followed by any such conviction or order, or if it be a Warrant upon an Information and Complaint for any alleged indictable offence or any petty Misdemeanour; nevertheless if a Summons were issued previously to such Warrant, and such Summons were served upon such person, either personally or by leaving the same for him with some person at his last or most usual place of abode, and he did not appear according to the exigency of such Summons, in such case no such Action shall be maintained against such Justice for anything done under such Warrant.

That whenever a Conviction or Order shall be made by any Justice, or by any two or more Justices, and a Warrant of Distress or Warrant of Commitment shall be granted thereon by some other Justice, *bonâ fide* and with-

Preamble.

CL. I.
Short title of Act may be cited.

CL. II.
Construction of the words "Justice," "Constable," "Peace Officer," "Month," and the use of words denoting number and sex.

CL. III.
For an act by a Justice within his jurisdiction, the Action shall be on the Case, and it shall be alleged to have been done maliciously and without probable cause.

CL. IV.
For an act done by a Justice without his jurisdiction, or exceeding his jurisdiction, an Action may be maintained without its being alleged to have been done maliciously and without probable cause.

Proviso.
But not for an act done under Conviction or Order until after such Conviction or Order shall have been quashed.

Not for an act done under a Warrant to procure appearance, if a Summons were previously served and not obeyed.

CL. V.
If Justices make a Conviction or Order, and another grant a Warrant upon it, the Action must be brought

No. 97.
24th December, 1853.

against the Justices for any defect in the Conviction or Order, and not against the Justice who granted the Warrant.

CL. VI.
No Action will lie against a Justice for the manner in which he exercised a discretionary power.

Preamble.

CL. VII.
If a Justice refuse to do an act, the Supreme Court of Judicature may, by Rule, order him to do it, and no Action shall be brought against him for doing it.

CL. VIII.
After Conviction or Order, or Judgment confirmed on appeal, or refused to be quashed by the Supreme Court, no action shall lie for anything done under a Warrant upon it.

CL. IX.
If an action be brought when by this Act it is prohibited, the Chief Justice, or in case of his absence, &c., any other Judge, may set aside the proceedings.

CL. X.
Distress made, not unlawful for want of form &c.; or Constable making same not a trespasser from the beginning.

CL. XI.
If any action brought against any Constable, &c., for any act done

out collusion, no Action shall be brought against the Justice who so granted such Warrant by reason of any defect in such conviction or order, or for any want of jurisdiction in the Justice or Justices who made the same, but the Action, if any, shall be brought against the Justice or Justices who made such conviction or order.

That in all cases in which a discretionary power shall be given to a Justice by any Statute now or hereafter to be in force within the said Government, or by any Act of the Legislature of the said Government now or hereafter to be in force within the said Government, no Action shall be brought against such Justice for or by reason of the manner in which he shall have exercised his discretion in the execution of any such power.

And whereas it would conduce to the advancement of justice, and render more effective and certain the performance of the duties of Justices, and give them protection in the performance of the same, if some simple means not attended with much expense were devised by which the legality of any act to be done by such Justices might be considered and adjudged by a Court of competent jurisdiction, and any such Justice enabled and directed to perform it without risk of any Action or other proceeding being brought or had against him: *Be it therefore enacted*, That in all cases in which a Justice shall refuse to do any act relating to the duties of his office as such Justice, it shall be lawful for the party requiring such act to be done to apply to the Supreme Court of Judicature, upon an affidavit of the facts, for a Rule calling upon such Justice, and also the person to be affected by such act, to show cause why such act should not be done; and if after due service of such Rule good cause shall not be shown against it the said Supreme Court of Judicature may make the same absolute, with or without or upon payment of costs as to such Court shall seem meet, and the said Justice, upon being served with such Rule absolute, shall obey the same, and shall do the act required; and no Action or Proceeding whatsoever shall be commenced or prosecuted against such Justice for having obeyed such Rule and done such act so thereby required as aforesaid.

That in all cases in which a Warrant of Distress or a Warrant of Commitment shall be granted by a Justice upon any conviction or order which either before or after the granting of such Warrants shall have been or shall be confirmed upon appeal, no Action shall be brought against such Justice who so granted such Warrant for anything which may have been done under the same by reason of any defect in such conviction or order.

That in all cases in which by this Act it is enacted that no Action shall be brought under particular circumstances, if any such Action shall be brought it shall be lawful for the said Supreme Court of Judicature, upon the application by motion of the Defendant, and upon an affidavit of facts, to set aside the proceedings in such Action, with or without costs as justice may require.

That whenever any Distress shall be made by any Constable or other Peace Officer for the payment of any sum of money to be levied by virtue of any Warrant of Distress granted by any Justice by virtue of any Act of the said Legislature now or hereafter to be in force within the said Government, the levying or making such Distress shall not be deemed unlawful, nor shall any Constable or other Peace Officer, so far as such Constable is concerned, making the same be deemed a trespasser on account of any defect or want of form in the Information or Complaint, or Charge, Summons, Warrant to Apprehend, Conviction, or Order, Warrant of Distress, or other proceeding relating thereto; nor shall such Constable or other Police Officer be deemed a trespasser from the beginning on account of any irregularity which shall be afterwards committed by him; but any person aggrieved by such defect or irregularity may recover full satisfaction for any damage by an Action on the Case in the said Supreme Court of Judicature, or in any other Court in which such satisfaction may be by Law recovered, with costs of suit according to the practice of such Court.

That if any Action shall at any time be brought against any Constable or other Police Officer for any act done in obedience to the Warrant of any Justice, such Constable or Peace Officer shall not be responsible for any

irregularity in the granting, or in the want of form of any such Warrant, or for any want of jurisdiction in such Justice in the granting of the same; and such Constable or other Peace Officer may plead the general issue, and give such Warrant in evidence, and upon the production of such Warrant, and proof that the signature thereto is in the handwriting of the person whose name shall appear subscribed thereto, and such person is reputed to be and acts as such Justice, and that the acts complained of were done in obedience to such Warrant, the Jury who shall try such issue shall find a Verdict for such Constable or other Peace Officer.

That no Action shall be brought against any Justice for any act done by him in the execution of the duties of his office, or against any Constable, or other Peace Officer for any act done by them respectively in the execution of their office respectively, unless such Action be commenced within six months next after the act complained of shall have been committed.

That no such Action shall be commenced against any Justice, or Constable, or other Police Officer, until one month after notice in writing of such intended Action shall have been delivered to such Justice, Constable, or other Peace Officer, or left for such Justice, Constable, or other Peace Officer at his usual place of abode, or left by the person intending to commence such Action, or by his counsel, attorney, or agent; in which said notice the cause of Action and the Court in which such Action is intended to be brought shall be clearly and explicitly stated.

That in every such Action the Defendant shall be allowed to plead the general issue therein, and to give any special matter of defence, excuse, or justification in evidence under such plea at the trial of such Action.

That in every such case, after notice of Action so given as aforesaid, and before such Action shall be commenced, such Justice, Constable, or other Police Officer to whom such notice shall be given may tender to the person complaining, or to his counsel, attorney, or agent, such sum of money as he may think fit as amends for the injury complained of in such notice; and after such Action shall have been commenced, and at any time before issue joined therein, such Defendant, if he have not made such tender, or in addition to such tender, shall be at liberty to pay into Court such sum of money as he may think fit, and which said tender and payment of money into Court, or either of them, may afterwards be given in evidence by the Defendant at the trial under the general issue aforesaid, and if the Jury at the trial shall be of opinion that the Plaintiff is not entitled to damages beyond the sum so tendered and paid into Court, or beyond the sums so tendered and paid into Court, then they shall give a Verdict for the Defendant, and the Plaintiff shall not be at liberty to elect to be Nonsuit, and the sum of money, if any, so paid into Court, or so much thereof as shall be sufficient to pay or satisfy the costs of the Defendant in that behalf shall thereupon be paid out of Court to him, and the residue, if any, shall be paid to the Plaintiff; or if where money is so paid into Court in any such Action the Plaintiff shall elect to accept the same in satisfaction of his damages in the said Action, he may obtain from the said Chief Justice, or in the case of his absence, sickness, or interest, from any other Judge of the Court in which such Action shall be brought, an Order that such money shall be paid out of Court to him, and that the Defendant shall pay him his costs (to be taxed), and thereupon the said Action shall be determined, and such Order shall be a bar to any other Action for the same cause.

That if at the trial of any such Action, the Plaintiff shall not prove that such Action was brought within the time hereinbefore limited in that behalf, or that such notice as aforesaid was given one month before such Action was commenced, or if he shall not prove the cause of Action stated in such notice, or if he shall not prove that such cause of Action arose within the said Government, then in every such case such Plaintiff shall be Nonsuit or the Jury shall give a Verdict for the Defendant.

That in all cases in which the Plaintiff in any such Action shall be entitled to recover, and he shall prove the levying or payment of any penalty, fine, forfeiture, costs, or sum of money, or any sum of money, by way of compensation or amends, or if he prove that he was imprisoned

No. 97.
24th December, 1853.

in pursuance of the Warrant of a Justice, he may plead the general issue, and in proof of signature, &c., the Jury shall find a verdict.

CL. XII.
Limitation of Actions.

CL. XIII.
Notice of Action.

CL. XIV.
Defendant may plead the general issue, and give special matter, &c., in evidence.

CL. XV.
As to tender and payment of money into Court.

CL. XVI.
In what cases a Nonsuit or Verdict for the Defendant.

CL. XVII.
Damages.

No. 97.
24th December, 1853.

under such conviction or order, and shall seek to recover damages for any such imprisonment, he shall not be entitled to recover the amount of such penalty, fine, forfeiture, costs, or sum of money, or any sum of money by way of compensation or amends, or any sum beyond the sum of Two-pence as damages for such imprisonment, or any costs of suit whatsoever, if it shall be proved that he was actually guilty of the offence of which he was convicted, or that he was liable by Law to pay the sum he was so ordered to pay; and, with respect to such imprisonment, that he had undergone no greater punishment or imprisonment than that assigned by Law for the offence of which he was convicted, or for the non-payment of the sum of money he was so ordered to pay.

CL. XVIII.
Costs.

That if the Plaintiff in any such Action shall recover a Verdict, or the Defendant shall allow Judgment to pass against him by default, such Plaintiff shall be entitled to costs in such manner as if this Act had not been passed; or if in such case it be stated in the Declaration that the act complained of was done maliciously and without reasonable and probable cause, the Plaintiff if he recover a Verdict for any damages, or if the Defendant allow Judgment to pass against him by default, shall be entitled to his full costs of suit to be taxed as between attorney and client; and in every Action against a Justice, or Constable, or other Peace Officer for anything done by such Justice, or Constable, or other Peace Officer in the execution of the duties of his office, the Defendant, if he obtain Judgment upon verdict or otherwise, shall in all cases be entitled to his full costs in that behalf, to be taxed as between attorney and client in the manner aforesaid.

CL. XIX.
Repeals certain parts of the Act published on the 9th Dec. 1830, commonly called "Shepherd's Act," and all other Acts inconsistent with this Act.

That from and after the publication of this Act, so much of a certain Act of the said Legislature published on the ninth day of December, one thousand eight hundred and thirty, intituled "An Act to extend parts of certain Acts of the Imperial Parliament to these Islands, for the Administration of Criminal Justice," as relates to the limitation of Actions to be commenced against Justices of the Peace or other persons, and all other parts of such Act as are in any way inconsistent with the provisions of this Act, and all other Act or Acts of the said Legislature, or parts of any such Act or Acts which are in any way inconsistent with the provisions of this Act, save and except so much of any such Act or Acts as repeal any other such Act or parts of such Act, and also except as to the proceedings now pending to which the same or any of them are applicable, shall be repealed, and the same are hereby repealed accordingly.

CL. XX.
The day on which the Act shall come into operation.

That this Act shall come into operation on the day next after the same shall be published in the usual manner by the Provost Marshal of the said Government.

CL. XXI.
This Act may be altered, &c., during the present Quarterly Meeting, &c.

That this Act may be altered, amended, or repealed by any Act to be passed during the present or any future Quarterly Meeting of the said Legislature.

No. 98.

An Act for Establishing and Regulating a Court of Grand Sessions of the Peace.
[20th January, 1854]

Preamble.

CL. I.
Establishing Court of Grand Sessions of the Peace.

WHEREAS the Acts of the Legislature of the Island of St. Vincent and its Dependencies for establishing and regulating Courts of Grand Sessions of the Peace have heretofore been temporary Acts, and have expired; and it is deemed proper that a permanent Law for the purpose aforesaid be passed: *Be it therefore enacted* by the Officer administering the Government of the Island of St. Vincent and its Dependencies, and the Council and Assembly of the same, That there shall be holden on the first Tuesday of each of the months of February, May, August, and November in every year a Court for hearing, trying, and determining all Criminal matters whatsoever arising within the said Island of St. Vincent or its Dependencies, or over which the said Court shall have jurisdiction by virtue of any Statute of the Imperial Parliament, or any Act of the Legislature of this Colony; which Court shall be styled "The Court of Grand Sessions of the Peace;" and the several

No. 98.
20th January, 1854.

persons following shall be and they are hereby nominated, constituted, and appointed Justices of the said Court during such time as they respectively shall discharge the duties of and hold the offices hereinafter mentioned, that it to say:—The Chief Justice of the said Island, the Members of Her Majesty's Council, and the Assistant Justices of the Supreme Court of Judicature; and the said Court shall be held at the Court House in the town of Kingstown in the said Island of St. Vincent; and if at any time, from accident or other unavoidable cause, the said Court cannot there be held the same shall be held at such place in the said town of Kingstown as the Officer administering the Government of the said Island for the time being shall appoint by instrument in writing under his hand.

CL. II.
Justices of said Court.

That any three of the persons discharging the duties of office as aforesaid, and by this Act constituted Justices of the said Court, shall be sufficient to constitute, form, and hold a Court for all purposes, wherein the Chief Justice of the said Island, if not prevented by sickness or other unavoidable cause, shall preside; and in case of his absence the next Senior Member of the said Court, according to the priority of his appointment as a Member of Council or Assistant Justice of the Supreme Court of Judicature, shall preside: and in delivering the opinion of the Court the Junior Justice shall vote first, according to the precedency hereinbefore mentioned, and every Junior Justice before his next Senior, upwards to the President: and before any person hereby appointed a Justice of the said Court shall take his seat, or act as a Justice of the said Court, he shall take the following Oath, that is to say:—"I A. B. do swear that to the best of my judgment, skill, and knowledge, I will do impartial justice according to Law between the Queen and her subjects, and between subject and subject, as one of the Justices of the Court of Grand Sessions of the Peace of the Island of St. Vincent, without favour, affection, or partiality. So help me God;" which Oath shall be administered by the Secretary of the Court, or Clerk of the Crown, to the Chief Justice or other presiding Justice at the first Court to be held under the provisions of this Act, and by the Chief Justice or other presiding Justice of the Court to the other Justices, and so in like manner at every subsequent Court shall every Justice who shall not have previously taken the said Oath be sworn, before he shall sit or act as a Justice of the said Court: *Provided always*, That after the opening of the said Court it shall be lawful for the Chief Justice to proceed with the business of the said Court, and to hear, try, and determine all matters, prosecutions, causes, and proceedings pending or undetermined before such Court, or which may be taken, prosecuted, or brought in the said Court, according to the provisions and in exercise of the powers and authorities contained in this Act, and to pass sentences and give judgments, or otherwise to act in the said Court by virtue of this Act, as fully and effectually as if three of the Justices of the said Court were present and acting therein.

Proviso.
After opening of Court
Chief Justice may
proceed with the business before it.

That the said Court, so established, shall be, and it is hereby declared to be, a Court of Record, and is hereby authorized and empowered to hear, try, determine, and execute all Pleas of the Crown and criminal matters arising or to arise within the said Government of the said Island of St. Vincent, by virtue of this Act without further writ, commission, or authority; and the said Court is hereby authorized to hear, try, determine, and execute all such Criminal matters and Pleas arising on the Seas round and adjacent to the several Islands within the said Government and within three leagues distance of the same, from High Treason to the smallest Misdemeanour and Trespass inclusive, according to the Laws for the time being in force in the said Government and in like manner as Justices of Oyer and Terminer and General Gaol delivery have in England: and the said Court is hereby authorized to hear, try, judge, determine, and execute all matters concerning nuisances, and the making and appointing Constables and Townwardens for the several towns in this Government (those for Kingstown excepted), and concerning all other things relating to the Public Peace: and the said Court is hereby authorized to hear, try, determine, and execute according to the provisions of this Act and pursuant to the provisions and directions of the Imperial Statute made and passed in the 12th and 13th years of the reign

CL. III.
Jurisdiction of Court
of Grand Sessions of
the Peace.

No. 98.
20th January, 1854.

CL. IV.
Offences committed
prior to passing of Act
cognizable by Court
hereby established.

CL. V.
Power of Adjourn-
ment.

CL. VI.
Criminal Court may
be held under com-
mission of Oyer and
Terminer.
Form of proceedings
at such Court to be
same as at Court here-
by established.

CL. VII.
Officers of the Court.

CL. VIII.
Lists to be sent in for
persons to be appoint-
ed Constables.

of Her Majesty Queen Victoria, ch. 96, entitled "An Act to provide for the "Prosecution and Trial in Her Majesty's Colonies of Offences committed "within the jurisdiction of the Admiralty," all such Criminal matters and Pleas of the Crown committed or arising within the jurisdiction of the Admiralty as are comprised or included, or provided for or directed, or authorized to be tried in the said Island in and by the said Statute.

That all Criminal Offences and matters committed or done before the publication of this Act, that would have been cognizable before or by the Court of Grand Sessions of the Peace heretofore established in this Government, shall be cognizable by and before the Court hereby established, and shall and may be prosecuted for, dealt with, and heard, tried, determined, and executed by the said Court under this present Act and pursuant to the provisions herein contained, in like manner as though the same had been committed or had arisen or happened after the publication of this Act.

That the said Court shall have power and authority to Sit and Adjourn from time to time, so that the adjournment of any one Quarterly Session shall not exceed the period for holding the next Quarterly Court: and if, from any cause, the said Court shall not meet on the days hereby directed and appointed, the Officer administering this Government for the time being may, by order under his hand and seal at arms, direct the Court to be held on any other day, not less than twenty days after the making of such order; and summonses and subpoenas shall accordingly be issued, and shall be served by the Provost Marshal on the Justices, Jurors, and Witnesses, requiring their attendance on the day in such order fixed in the same manner as provided for in case the Court shall sit on the days hereby appointed: and the Court shall and may be held accordingly on the day fixed by such order, and shall and may continue to sit and adjourn in manner aforesaid, as occasion may require; and any one Justice of the said Court shall be competent, at all times, to form and hold a Court for the purpose of adjournment.

That nothing herein contained shall be construed to bar or hinder the Officer administering this Government from issuing a commission of Oyer and Terminer and Gaol delivery at any time or times when he shall see fit so to do, and the Courts to be held by virtue of any such commission shall be governed and proceed in the manner and according to the forms, rules, and methods herein prescribed for the proceedings of the Court hereby established; and all Officers, Jurors, Justices, Coroners, Witnesses, Police Officers, and Constables, by this Act required to appear or attend at the Court of Grand Sessions of the Peace hereby established, shall, and are hereby directed and required to attend at every Court to be held by virtue of any such commission; and in case of non-attendance, they shall and may be fined or punished by that Court in the same manner in all respects as they are hereby made punishable by the Court hereby established for non-appearance, or non-attendance, in like cases, at the Court of Grand Sessions of the Peace; and the like fines and penalties for any absence or neglect, shall and may be imposed by any Court to be held under any such Commission, and shall and may be enforced and levied by the Provost Marshal or his lawful Deputy, by Warrant under the hand and seal of the President of the said Court, in the same manner as any fines, or penalties imposed by the Court hereby established can or may be levied, imposed, or enforced.

That the Colonial Secretary of this Government, for the time being, shall be the Clerk of the Crown and Peace, and the Secretary or Prothonotary of the Court hereby established, and the Provost Marshal of the said Island shall be the Chief Executive Officer of the said Court; and the said Clerk of the Crown and Provost Marshal shall and may act respectively as such officers of the said Court by their respective lawful Deputies.

That every Proprietor or renter of every Estate, or his Manager or Attorney, and the Townwardens of the several towns, and the Police Magistrates for the several districts within this Government, shall, on the first day of the first Court of Grand Sessions of the Peace in every year, under a penalty of Five Pounds for each default, deliver in to the Clerk of the Crown

a List in writing of so many persons as they may deem necessary to be appointed Constables by the Justices of the Court hereby established.

No. 98.
20th January, 1854.

CL. IX.
Constables to be appointed by Court annually in the month of February.

That once in every year, and at the Court of Grand Sessions of the Peace to be holden in the month of February, the Justices of the said Court shall, and they are hereby authorized and required to nominate and appoint Constables to act for the said Island, and the publication in the Gazette of the names of the persons so appointed shall be deemed sufficient notice of their appointment; and every person so appointed shall, within ten days after such publication, attend before some Justice of the Peace and take the Oath of office as a Constable under a penalty of Five Pounds; and every Justice of the Peace, on being applied to by any such Constable, is hereby authorized and required to administer such Oath, and to grant a Certificate of such Oath taken under his hand; and any Constable appointed as aforesaid who shall neglect or refuse to act at the lawful command, or to execute the lawful command of any Justice of the Peace, Magistrate, Coroner, Assessor, or Commissioner appointed or to be appointed by any Act of the Legislature, or of any other person lawfully authorized to command his attendance or service, shall, on conviction before any two Justices of the Peace, be liable to forfeit and pay a penalty of Five Pounds, and in default of immediate payment to be forthwith committed to the Common Gaol, and there imprisoned for any term not exceeding twenty-one days, and either with or without hard labour for the whole or any part of such imprisonment, as the convicting Justice shall at the time of conviction award and adjudge; and every Constable appointed by the said Court shall have and exercise all the powers and functions of a Constable, as well under the Common Law as under the provisions of any Statute of the Imperial Parliament, or any Act of the Legislature of this Colony in force, or to be in force, in this Government: *Provided always*, That no person who has acted as a Constable for the year next preceding the time of the annual appointment of Constables by the said Court as aforesaid, shall be liable to be nominated as a Constable for the then ensuing year; *And provided also*, That every Constable so to be appointed as aforesaid shall be appointed specially as a Constable for the Parish or Town in which he shall reside at the time of his appointment, and he shall continue to act as a Constable for twelve months from the day of his appointment; and in case of his removal from the parish or town in which he shall have been resident when appointed, he shall, on removal to another parish or town, be authorized by virtue of his appointment to act as a Constable for the parish or town into which he shall so remove during the remainder of the then current year; *And provided also*, That if, from any cause, the Constables for the said Government shall not be appointed at the Court hereinbefore in that behalf mentioned, it shall be lawful for the Justices of the said Court at any future Court during the year to nominate such Constables, and such nomination and appointment shall be as valid and effectual as though the same had been made at the time hereinbefore for that purpose appointed; and advertisements of such appointments shall be had and made accordingly.

That all Recognizances or other Securities for the appearance of any person or persons, whether as Prosecutors, or Defendants, or Witnesses at the Court of Grand Sessions of the Peace, or other Criminal Court, which may have been heretofore taken by the Court of Grand Sessions of the Peace heretofore established, or by any other Court of competent jurisdiction, or by any Magistrate, Justice of the Peace, Coroner, or other person thereto authorized, shall be binding on the persons so bound and required to appear, and for his, her, or their good behaviour and appearance at the first Court to be held under this Act next after such Recognizance or Security taken; and such Recognizance or Security shall be liable to be forfeited at such Court or any subsequent Court held under the authority of this Act, in case of breach or non-appearance as aforesaid, although no mention should be therein made of the particular style of the Court hereby established, or of the time of holding the same, or although the style of such Court should be inaccurately or improperly expressed in such Recognizance or Security.

CL. X.
Recognizances heretofore taken for appearance at the Criminal Court to have relation to the Court hereby established.

That all Magistrates, Justices of the Peace, Coroners, and other persons

CL. XI.
Justices to return de-

No. 98.
20th January, 1854.

positions, &c., to Clerk
of Crown within seven
days after taking same.

thereto duly authorized, who have already taken or who shall hereafter take any Inquests, Examinations, Depositions, Recognizances, or other papers relating to the Peace, or to matters cognizable by the Court hereby established, shall and are hereby required, under a penalty of Twenty Pounds for each neglect, to send the same, together with true copies thereof, to the Office of the Secretary or Clerk of the Crown within seven days after the taking thereof; and if taken more than seven days prior to the passing of this Act then within seven days after the passing of this Act: and if the same should happen to be taken within seven days of the holding of any Quarterly Court of Sessions, then the same shall be returned immediately after the taking thereof, so as to be laid before the Court to be held next after the taking of the same; and all such Examinations, Depositions, Inquisitions, Recognizances, or other papers, or copies of the same (where copies shall be ordered under the provisions herein in that behalf contained), shall be lodged by the Secretary or Clerk of the Crown with the Attorney-General, or, in case of his sickness, absence, or incapacity then with the Solicitor-General, within five days after the same shall be filed in the Office of the Secretary or Clerk of the Crown, unless the same shall be filed within five days of the holding of any Criminal Court, or after the commencement and during the sitting of any such Courts, in which cases the same shall be lodged with the Attorney or Solicitor-General, as the case may be, immediately on the filing thereof or as soon thereafter as conveniently may be.

CL. XII.
Prisoner or Defendant
entitled to copy of all
Informations, &c., on
payment for the same.

That any Prisoner or Defendant against whom any Indictment is or is intended to be preferred, or who may stand committed for trial at any Criminal Court in this Colony, or who may be charged with any indictable offence, shall be entitled to demand and have from the Justice or Justices of the Peace, or Clerk of the Crown, or other person in whose custody the Information or Examination, or Depositions in the case may be, a copy of such Information, and of all examinations or depositions taken before the Justice or Justices on such Information, upon demand made for the same by the person so desiring the same, and upon payment of Eight Pence for every folio of ninety-six words.

CL. XIII.
Notice of sittings of
Court.

That the Provost Marshal or his lawful Deputy, shall give notice of the holding of every Court of Grand Sessions of the Peace, and of every other Criminal Court; and shall require the attendance of the persons hereby required to attend at such Court, or who shall be bound by recognizance or summoned to appear at such Court by proper advertisements to be inserted, at least fourteen days before the holding of such Court, in the Gazette of the said Island, if any Gazette shall be then published, and if there shall be no Gazette then in any Newspaper published in the said Island; and if there shall be no Newspaper published, then by fixing up a similar notice in writing at the door of the Court House in Kingstown, and at the Police Stations, if any; and if none, then on the gates of the Churches in the towns of Georgetown and Barrouallie.

CL. XIV.
Grand Jury and Petty
Jury, how constituted
and summoned.
Eight Jurors compe-
tent to form a Grand
Jury.

That fifteen persons, qualified as hereinafter mentioned, shall be summoned to serve as Grand Jurors at each Criminal Court, to be returned under the provisions of this Act (except as hereafter excepted and provided for), any eight or greater number of whom shall be sufficient and competent to form and constitute a Grand Jury, and to find or ignore any Bill of Indictment, or make any Presentment, or do any other act or thing which a Grand Jury could or might find upon, make, or do prior to the passing of this Act: And the said Provost Marshal shall issue Summonses to such fifteen persons, freeholders and other inhabitants of this Island, as shall be included in the *Venire* for the Grand Jury to be issued by the Clerk of the Crown as hereinafter directed: and forty persons, qualified as hereinafter mentioned, shall in like manner be summoned to serve as Petty Jurors at each Criminal Court, and the Provost Marshal shall issue Summonses to such forty persons as shall be included in the *Venire* for the Petty Jury to be issued by the Clerk of the Crown as hereinafter provided for; and every Summons to a Juror shall be served in person or left at his usual place of abode at least six days before the day on which he is required to attend the Court; and no persons shall be exempt from serving as Petty Jurors at the Court hereby

Persons exempt from
serving as Petty
Jurors.

established, save the Members of Council, the Members of the Assembly, the Secretary to the Officer of the Government, Justices of the Peace, Coroners, Barristers-at-Law, Attorneys-at-Law, the Officers of Her Majesty's Customs, the Treasurer and his Deputy, and the Officers employed in levying and collecting the Colonial Revenue, the Postmaster, the Townwardens for the several Towns in this Island, the Clerk and Serjeant-at-Arms of the Council, the Clerk and Messenger of the Assembly, and the Clerk of the Market, and Overseer for the Town of Kingstown, the Manager and Officers of the Colonial and other Banks established or to be established in this Colony, Officers and men employed in the Police Force, and the persons hereinafter declared to be qualified for and liable to serve as Grand Jurors. *Provided always*, That if at any time more than one person, whether principal or servant, shall be summoned from the same Estate or place of business to serve as Petty Jurors at the same Court it shall not be compulsory on more than one of such persons so summoned from the same Estate or place of business to attend such Court; and on the Court being satisfied that any such one person has attended the said Court, the other of such persons so summoned as aforesaid shall not be subject to the fine hereby imposed on Jurors neglecting to attend the Court.

That the Secretary or Clerk of the Crown of the said Island shall annually, and between the first day of March and the first day of April in every year, after the present year one thousand eight hundred and fifty-three, cause to be prepared a Grand Jury List, in which shall be inserted the names of every such person as shall be either a Member of the House of Assembly for the time being, a Justice of the Peace in and for the said Government possessed of such a qualification as would entitle him to sit and vote in the House of Assembly, a resident Proprietor and Owner or Lessee of any Sugar Estate in the said Government, and Attorney of any absent Proprietor or Owner of any such Sugar Estate, a Proprietor or Occupier or Tenant of any House of the annual rent or value of One Hundred Pounds and upwards, and none other; and in such Grand Jury List the names of the persons aforesaid shall be entered in alphabetical order, and the same shall be laid before the Court of Grand Sessions of the Peace to be held in the month of May for approval or correction; and the said List, approved of or corrected as aforesaid, shall be deemed the Grand Jury List until the next annual Grand Jury List shall be prepared and approved of by the said Court.

That the Secretary or Clerk of the Crown, at least twelve days before the holding of every Criminal Court, shall cause to be issued a Writ of *Venire Facias* for the Grand Jury, and shall, from such Grand Jury List as aforesaid, insert the names of fifteen persons taken from the said List according to the order in which they shall be inserted in the same, beginning with the name under the first letter of the alphabet, and proceeding to and taking the name under the next letter, and so on, *toties quoties*, until he shall have completed the panel, and so and in such manner that every person whose name shall be included in the said Grand Jury List shall have been summoned in his turn to serve as a Grand Juror; and such Writ of *Venire Facias* shall be directed to the Provost Marshal, and shall require him to summons such fifteen persons to serve as Grand Jurors at the then next Court of Grand Sessions of the Peace or other Criminal Court, as the case may be.

And be it enacted, That the Secretary or Clerk of the Crown shall, from the Return or List of the names of persons liable to serve as Jurors in the Supreme Court of Judicature of the said Island, now or at any time hereafter required by Law to be made out annually, and furnished to him by the Provost Marshal of the said Island, make a Petty Jury List which shall include the names of all persons contained in the said Return or List so made by the said Provost Marshal, except those therein contained which shall be included in the Grand Jury List hereinbefore mentioned, and except those persons who are declared by this Act to be exempt from serving as Petty Jurors; and the said Secretary shall, from such Petty Jury List, insert in a Writ of *Venire Facias*, to be by him issued in like manner and at the time hereinbefore provided in case of the Grand Jury, the names of forty persons to serve as Petty Jurors at every Criminal Court held under the provisions of

No. 98.
20th January, 1854.

CL. XV.
List and qualification
of Grand Jurors.

CL. XVI.
Secretary to issue *Venire* twelve days before the holding of Court for a Grand Jury.

CL. XVII.
Venire for Petty Jury.

No. 98.
20th January, 1854.

Cause for challenge.

CL. XVIII.
Proviso for Juries to
be summoned pre-
viously to prepared
List.

this Act; and it shall be a lawful and good cause for challenge, if any person so included in the *Venire* and empannelled to serve on the Petty Jury shall be unable to read and write.

Provided always, and in order to make provision for the summoning of Juries to attend at the Criminal Courts to be held prior to the preparation and approval of the Grand Jury List to be laid before the said Court of Grand Sessions of the Peace, in the month of May, one thousand eight hundred and fifty-four; *Be it enacted*, That the Secretary or Clerk of the Crown shall, twelve days before the holding of every such Court, issue Writs of *Venire Facias* to the Provost Marshal to summon Grand Juries and Petty Juries, as the case may be, according to the provisions and in manner provided by this Act; and the persons to be so summoned as Grand Jurors shall be taken from the List of Jurors qualified by Law to serve as Jurors in the Supreme Court of Judicature of the said Island, and such of the same as have heretofore been summoned to serve as Special Jurors in the said last-mentioned Court; and the persons to be so summoned as Petty Jurors shall be taken from the said List of Jurors qualified by Law to serve as Petty Jurors in the said last-mentioned Court who have not been summoned to serve as Special Jurors in the said Court; and the fines and penalties by this Act imposed on absent Jurors, and the provision and allowance by this Act made to Petty Jurors, and the provisions in relation thereto and to the enforcing of the same, is and are hereby expressly declared to extend to the Jurors summoned under this present proviso and enactment to attend any Criminal Court to be held prior to or in the month of May, one thousand eight hundred and fifty-four.

CL. XIX.
Proceedings of Grand
Jury.

And, in order that the business of the said Court may proceed with as much despatch and as little delay as possible, *Be it enacted*, That all Witnesses appearing before the Grand Jury shall be sworn by the Foreman in the Grand Jury room and not in Open Court; that the Grand Jury shall in all cases deliver in their findings upon Indictments by one of their body, without coming into Court for such purpose;—that the Grand Jury shall not come into Court in a body except at the opening of the Court to be sworn and to receive the charge (if any), to be delivered to them, and except at the conclusion of the business to be transacted by them; *Provided*, That it shall be lawful for the Court to require the presence of the Grand Jury in Court when absolutely necessary for the ends of justice in any case before the Court;—that the Grand Jury shall not in any case during the sitting of the Court depart the Court or the Grand Jury room without leave of the Court, or the Chief Justice or other presiding Justice, and shall in all cases, except as aforesaid, confer with the Court by one of their number as to the times of their departure or dismissal from the Court and other matters requiring the concurrence of or communication with the said Court.

CL. XX.
Allowance to Petty
Jurors and Constables.

That every person summoned to attend any Criminal Court of this Colony as a Petty Juror, and actually attending such Court pursuant to the summons, and every Constable, except Police Constables, summoned to serve and attend the Court as such and actually attending and serving as such Constable, shall be entitled to have and receive daily for his maintenance during the time he shall perform such duty the sum of Two Shillings and Sixpence, to be paid by the Provost Marshal or his Deputy daily at the time of the rising of the Court, and to be provided for in manner hereinafter mentioned.

CL. XXI.
Allowance to Wit-
nesses.

That it shall be lawful for the Court hereby established, or for any Court of Oyer and Terminer, to allow and award any Witness who shall be in actual attendance at such Court, pursuant to Recognizance or Subpoena, and give evidence on any prosecution at the suit of the Crown, and who shall, at the time of the sitting of the Court, be actually resident upwards of four miles from the town of Kingstown, and who shall claim the same in open Court previously to being sworn to give testimony before either the Grand or Petty Jury, as the case may be, such reasonable sum for his or her maintenance, not exceeding, in any case, Two Shillings and Sixpence per day, as to the Court shall seem meet, such allowance to be paid in like manner as the allowance made for the maintenance of Petty Jurors; and such Court is hereby authorized and empowered to allow and award to Medical Practi-

Medical Practitioners.

tioners who shall be required and duly subpoenaed or bound over by Recognizance to attend and give medical testimony in any case pending before the Court, and who shall actually attend such Court pursuant to the Subpoena or Recognizance, such sum as to the Court shall seem meet, not exceeding One Pound for each day's attendance, and mile money for coming from their usual place of abode to the Court, at the rate of One Shilling per mile (but such allowance not to include any mile money for returning, and such mile money to be allowed only once during the same Session); all which moneys shall be chargeable to the Public of the Colony, and paid out of the Colonial Revenue in manner hereinafter mentioned and provided for.

And, in order to meet the daily allowance by this Act made to Jurors, Constables, and Witnesses, and to meet the necessary and unavoidable expenses attendant on the holding and sitting of the Court hereby established, *Be it enacted*, That the Officer administering this Government shall be and is hereby authorized, on a requisition to him in writing for that purpose signed by the Chief Justice or other presiding Justice of the said Court, at every Quarterly Court of Sessions or other Criminal Court to be held for this Government and two days before the first day's sitting of the said Court, to issue his Warrant to the Treasurer of the said Island directing him to pay to the Provost Marshal such sum, not exceeding Fifty Pounds, as shall be mentioned in the said requisition, which sum the said Provost Marshal shall receive, and thereout pay to such Jurors, Constables, and Witnesses as the Court shall direct to receive the same the allowance made by this Act, and also the expenses, if any, of providing lights or other necessary expenses of the said Court; and the surplus, if any, after the payment aforesaid, shall be paid into the Public Treasury by the said Provost Marshal within fourteen days after the close of the sittings of the Court, under a penalty of double the amount retained in his hands, to be recovered and levied at the then next Court of Grand Sessions of the Peace by Warrant under the hand of the President of the Court, as a fine or penalty inflicted or imposed by the said Court is by this Act made recoverable or levyable.

That the Secretary of the said Court or Clerk of the Crown shall, on the close of the sittings of the Court and within fourteen days thereafter, make out a List, in triplicate, of the names of Jurors, Constables, and Witnesses who shall, under the order of the said Court, have received or be entitled to receive the allowance by this Act provided, and of any expenses incurred under the authority of the said Court in lighting the same, and the same shall be certified and signed by the Chief Justice or other Presiding Justice of the Court, within the time aforesaid, and the Secretary, or other Officer of the Court shall lodge one copy thereof with the Treasurer of the said Island, and another copy with the Provost Marshal, and shall certify to the Provost Marshal the balance, if any, remaining in his hands, which balance shall be deemed and taken to be the balance payable by the Provost Marshal to the Treasury as hereinbefore provided for; and if there shall be any sum remaining unpaid of the allowances or expenses aforesaid which the sum received by the said Provost Marshal under the Warrant aforesaid shall have been insufficient to meet, the Officer administering this Government is hereby authorized, on requisition to him for that purpose under the hand of the President of the Court annexed to a statement setting forth the particulars of expenditure, to issue his Warrant to the Treasurer for the payment of such remaining unpaid sum to the Provost Marshal, to be by him paid pursuant to the said statement and to order of the said Court.

That any Juror, duly summoned as by this Act is provided and not attending or not appearing when called in Court, or departing without the leave of the said Court, shall and may be fined by the said Court for each and every default, Grand Jurors in any sum not exceeding Five Pounds, and Petty Jurors in any sum not exceeding Two Pounds Ten Shillings, in the discretion of the Court, unless a sufficient reason shall be assigned to the said Court for their nonattendance. And all Justices, Magistrates, Coroners, Townwardens, Waywardens, Constables, and other Officers who shall have returned any Information, examination, deposition, inquisition, recognizance, or other matter or thing cognizable by the said Court, either to the

No. 98.
20th January, 1854.

CL. XXII.
Expenditure by authority of Court to be provided for by Warrant on the Treasurer.

Surplus of moneys returned into Treasury.

CL. XXIII.
Account of expenditure to be made out and certified within fourteen days after the close of sittings.

Certified by Chief or other Presiding Justice.

CL. XXIV.
Penalty for nonperformance of duties by Jurors, Justices, and other Officers.

No. 98.
20th January, 1854.

Clerk of the Crown or to the Court, or whose attendance at the said Court shall be lawfully required, are hereby enjoined and required, without further or other notice than the advertisement in the "Gazette" or other publication of notice as herein before provided for, to attend the said Court, and to continue such attendance during the whole sittings of the Court, unless they shall be excused or sooner discharged by the said Court, under a penalty not exceeding Ten Pounds, such penalty to be adjudged by the said Court and to be levied by a Warrant to be signed by the President of the said Court as hereinafter provided for.

CL. XXV.
Proceedings of Court to be according to the forms and practice of like Courts in England.

Chief Justice to make rules if necessary.

That proceedings in the Court hereby established shall be carried on, as nearly as may be, according to the forms and practice of the Courts of Oyer and Terminer and general Gaol Delivery and General Sessions of the Peace in England, and according to the usual practice thereof as heretofore observed in the Criminal Courts held in this Island; and where any doubt or difficulty shall arise as to such practice or forms, or where the same shall not be sufficiently provided for, it shall be lawful for the said Court (the Chief Justice being present at any such Court) from time to time to frame general rules for the governance of the practice and proceedings of the said Court, and regulating the forms to be used therein, as nearly as may be to the practice and forms used in England in like cases: *Provided*, That all or any Rules or Rule so made shall, before they shall be acted on or deemed to be in force, be submitted to the Legislature at its first Quarterly Meeting next after the making such Rules or Rule for sanction; and no such Rules or Rule shall have any force or effect if the same shall, by resolution of either Branch of the Legislature, be disallowed at such first Quarterly Meeting or within three months thereafter.

CL. XXVI.
Attendance of Constables.

Chief Officer of Police to nominate two Police Constables to attend the Court.

And, in order to provide for the attendance of Police Officers and Constables at the several sittings of the Court hereby established to preserve and keep peace or order therein, *Be it enacted*, That the Provost Marshal or his Deputy shall, at least six days before the holding of every Criminal Court, summon four Constables appointed for the town of Kingstown to attend at such Court during its sitting (*provided always* that the same Constables shall not be obliged to attend more than one Court in any one year); and the Officer or person under whose order or control the Kingstown Police shall for the time be shall, at least two days prior to the holding of every Criminal Court, nominate two Police Constables attached to the Police force to attend the said Court during its sitting; and if any Constable or Police Officer, being so summoned or nominated as aforesaid, shall neglect or refuse to attend the said Court or to perform the duty required of him as such Constable or Police Officer by the said Court, or shall absent himself from the Court at any time during its sitting without leave of the Court, he shall be liable for every neglect, refusal, or absence, to be fined by the said Court in a sum not exceeding Five Pounds.

CL. XXVII.
Power of Justices to Bail.

And to prevent the inconvenience which may arise on application for Bail in Criminal Cases, *Be it enacted*, That any one or more of the Justices of the Court hereby established shall have power, and may at any time of the year take and admit to Bail, in all Criminal Cases, in like manner as the Court of Queen's Bench in England can do in term-time or the Judges thereof out of term: *Provided always*, That if the Chief Justice of the Island shall be within the Government, and not disabled by sickness or otherwise, every application for Bail in Criminal Cases shall, in the first instance, be made to the Chief Justice, and if he shall refuse Bail it shall not be lawful for any other Justice of the said Court to admit to Bail the person so refused to be bailed by the Chief Justice.

CL. XXVIII.
No Traverse without cause. [Repealed by Criminal Law, 29th August, 1855.]

CL. XXIX.
Persons found to be Lunatics to be detained.

That if any person indicted at any Court held under this Act, or at any other Criminal Court to be held in this Island, shall be found Lunatic either before or after trial for any offence cognizable by such Court, it shall be lawful for such Court, in its discretion, to order the detention of any such

person in any Asylum for Lunatics which may then be in existence in the said Island ; and if no such Asylum, then to commit any such Lunatic to the Common Gaol of the said Island for safe custody, in default of any other or better means of security appearing to the said Court, there to remain until Her Majesty's pleasure shall be known ; and a Report and Certificate of such Order or committal shall be made by the said Court to the Officer administering this Government within ten days after the making such order or such committal ; and in all cases where any Lunatic shall appear before such Court, [and] the Court shall commit the custody of such Lunatic to his or her relatives or near friends, which it shall be lawful for the Court to do, such Court shall have full power and authority to take, and require the person or persons to whose custody any such Lunatic shall be committed to enter into, recognizance for the safe keeping of such Lunatic.

That any person who may defend or prosecute in the Court hereby established shall and may have from the Clerk of the Crown or his lawful Deputy Subpœnas for his Witnesses, which Subpœnas shall require their attendance at the said Court under a penalty of Twenty Pounds for each Witness not attending ; and every such Subpœna shall be signed by the Secretary or Clerk of the Crown or his lawful Deputy, and shall run in the Queen's name ; and such Subpœnas, when required to be served by the Provost Marshal, shall be lodged with the Provost Marshal in such time that the same may be served at least two clear days before the sitting of the Court : *Provided always*, That all Witnesses who shall have been examined before any Justice or Coroner in any matter which is to be heard or determined by the said Court shall be bound over by the Justice or Justices or Coroner taking the examination, by recognizance, to appear and give evidence at the Court, and it shall not be necessary to summon or Subpœna any such Witness so bound over by recognizance ; and all Subpœnas for the defence in cases of Felony, where the party accused shall be in Gaol, and all Subpœnas required by the Attorney or Solicitor-General on the part of the Crown, shall be served by the Provost Marshal without the payment of any fee ; and where the Provost Marshal shall be called on to serve any other Subpœna, he shall be entitled to demand and receive for every Witness Subpœnaed the sum of Five Shillings, if the Witness shall reside or shall be served in Kingstown, and Ten Shillings if beyond three miles from Kingstown, and also One Shilling for every mile going to serve any such Subpœna out of Kingstown : *Provided always*, That any prosecutor or defendant may serve Subpœnas for his witnesses by his own Agent, if he shall think fit so to do.

That in all cases where a Witness shall have been duly bound over by Recognizance to appear, or shall have been duly Subpœnaed to appear at the said Court and shall make default, it shall be lawful for the Court during its sitting on being satisfied that such Witness is a material Witness, and that the party on whose behalf such Witness may be bound to appear cannot safely proceed to trial without such Witness, to issue an attachment, under the hand and seal of the President of the Court, directed to the Provost Marshal or his Deputy and all Constables of the said Island to apprehend and bring up such Witness into Court to give evidence ; and such Witness shall and may be apprehended under such Warrant by the said Provost Marshal or his Deputy, or any Constable, and being in custody shall remain in the custody of the Provost Marshal by virtue of such attachment until he shall have given his evidence and be discharged by the Court.

That in case any person who shall be a material Witness in any prosecution depending or intended to be prosecuted in the said Court shall be about to depart from these Islands, or shall be aged, or extremely sick, or lame, or otherwise disabled from attending upon the trial of any Indictment, Information, or Presentment, or any other proceeding at the said Court (except in cases of Treason or Capital Felonies), then the deposition of any such Witness, taken upon Oath before the Chief Justice, if in the Island and not prevented from attending by sickness or other unavoidable cause, and in case of the sickness or unavoidable absence of the Chief Justice then before the next Justice of the said Court in order of seniority ; and in case of his

No. 98.
20th January, 1854.

CL. XXX.
Subpœnas to be issued
by Clerk of the
Crown.

Service.

CL. XXXI.
Attachment to issue in
case of Witnesses
making default.

CL. XXXII.
Witness leaving the
Island, aged or sick,
may be examined, ex-
cept in Treason or
Capital Felonies.

No. 9th.
20th January, 1854.

inability to attend, then before any other member of the said Court, or if the examination shall be had at any distance from the town of Kingstown, exceeding two miles, then before any two of Her Majesty's Justices of the Peace in and for the said Island of St. Vincent and its Dependencies, in the presence of the prosecutor, or the Attorney or Solicitor-General, or any other Counsel employed on the part of the prosecution, and of the defendant or his Counsel or Attorney, shall be held, taken, and esteemed as good evidence in Law on such proceedings as aforesaid, and the said Depositions shall be sealed up, and lodged by the Judge or Justices taking the same, at the expense of the party producing the same (except in cases where the same are lodged on the part of the Crown), in the Office of the Clerk of the Crown, who shall produce the same at the time of trial, when upon due proof being made on Oath that the person whose evidence shall have been so taken is absent from the said Island, or otherwise disabled from attending the said Court, such Deposition shall be read as evidence upon the trial; and every Deposition in all such cases shall, if practicable, be lodged immediately after the taking of the same in the Office of the Clerk of the Crown, and in every case within four days after the same shall have been taken by such Justice or other person as aforesaid; and where the defendant, in any case where such examination is intended to be had on the part of the prosecution, shall be a prisoner in the Gaol of this Island, the Chief Justice, Judge, or Justices, before whom the same is intended to be had and taken, shall, if such defendant be not represented by Counsel or Attorney, be and they are authorized and empowered to make and issue a Warrant under his or their hand and seal or hands and seals, directed to the Gaoler of the said Island, authorizing and requiring him to bring up the body of such defendant before him or them to be present at such examination; and it shall be lawful for such Judge or Justices, by indorsement on such Warrant, to remand the said defendant, and direct him to be again brought before him or them, on any such examination, as often as occasion shall require; and on such examination being completed finally to remand the said defendant or prisoner by indorsement on the said Warrant, which Warrant it shall be the duty of the Gaoler on sight and delivery thereof to him to obey: *Provided always*, That where any such summons for the examination of Witness shall have been taken out by the Attorney or Solicitor-General, or other Counsel or Attorney employed on the part of the prosecution, or by the prosecutor, and notice in writing given by the person suing out the same to the defendant, if such defendant be not a prisoner in Gaol, specifying the cause or case in which the examination is intended to be had, the name of the Witness or Witnesses, and the time and place fixed on for such examination, twenty-four hours before the time fixed for such examination, if such defendant shall not attend at the time and place fixed for such examination, the examination had and taken in the absence of such defendant, on proof of service of such notice on him as aforesaid, either personally or left at his usual place of abode, shall be deemed and taken as valid, and good and effectual to all intents and purposes as if taken in his presence, and shall be received and read in evidence accordingly.

Summons for examination of Witness, in case Defendant be not a prisoner in Gaol.

CL. XXXIII.
Summons to issue for Witness to appear.

That in every case where the examination of a Witness, as last aforesaid, shall be necessary, a Summons specifying the cause, and some certain day, hour, and place, shall issue under the hand and seal of the Chief Justice or other President or Member of the said Court, as the case may be, or under the hands and seals of such two Justices as aforesaid, as the case may be, at the request of the Attorney or Solicitor-General, or of the Counsel employed on the part of the prosecution, or of the prosecutor, or of the defendant or of his Counsel or Attorney, to any material Witness so about to leave these Islands as aforesaid, or aged, or sick, or lame, as aforesaid, requiring his appearance to give testimony, according to the tenour thereof, before such of the said Chief Justice, President, or other Member of the said Court, or such two Justices as aforesaid as shall have signed such Summons, which said Summons shall be served personally on the person required to give evidence at least twenty-four hours before the time therein fixed for his or her appearance; and in case such Witness, being duly summoned as aforesaid, shall

make default, not being sick or otherwise disabled, a Warrant shall be issued by the Justice or Justices by whom such Summons shall have been issued directed to any Constables, authorizing any Constable to apprehend and bring such Witness before such Justice or Justices to give his evidence at such time and place as shall be fixed by such Justice or Justices in that behalf; and in all cases where any Witness shall be disabled by sickness or otherwise from leaving his place of abode, then the said Chief Justice, or other President, or other Member of the said Court, or two Justices of the Peace as aforesaid, as the case may be, shall attend at the place of abode of the said Witness for the purpose of taking his examination in the manner hereinbefore directed; and it shall be the duty of the prosecuting Officer or Counsel, in all cases where the examination of a Witness is required on the part of the prosecution and the defendant shall be a prisoner in Gaol, to apply at the same time as application is made for a Summons for the Witness for the Warrant to bring up the defendant, and such Warrant shall be delivered to the Gaoler twelve hours at least before the time named for the appearance of the prisoner before the Judge or Justices.

That the Provost Marshal or his lawful Deputy shall have authority and is hereby required and directed, without further Warrant or authority, to arrest and detain in custody any person upon whom any fine shall be imposed by any Court of Grand Sessions of the Peace or other Criminal Court, or by whom any forfeiture hath been incurred and declared payable by the said Court under the provisions of this Act, until the fines and forfeitures imposed on him, or incurred, shall be paid and satisfied, together with all costs and expenses arising in consequence of such arrest and detention: and the said Provost Marshal or his lawful Deputy shall annually, or oftener if called upon by the Officer administering this Government or by the Treasurer or his lawful Deputy, account for all moneys collected and received, or which ought to have been collected or received by him, for such fines and forfeited recognizances, and shall pay the same moneys unto the Treasurer or his lawful Deputy once in every quarter of the year, upon pain of answering double the value thereof to Her Majesty, her heirs and successors for the public uses of these Islands, to be recovered by action of debt in the Supreme Court of Judicature of this Island in the name of the Treasurer; and the return of the Provost Marshal or Gaoler of this Island to any Writ of *Habeas Corpus* of an arrest or detainer by him under the sentence, order, or conviction of, or by the Court hereby established, or by any Court of Oyer and Terminer, or for nonpayment of any fine or forfeiture imposed by the said Courts, shall be deemed sufficient in Law, provided there appears in or attached to such return a Certificate, in few words, by the Clerk of the Crown containing the sentence, judgment, order, or conviction by the Court under or by virtue of which the said Provost Marshal or Gaoler shall have arrested or shall detain the person so sentenced or convicted.

That the said Court shall have power, at any time during the Sessions (but not afterwards), to mitigate or take off any Fine, penalty, or forfeiture imposed by the said Court during the same Session.

That the Clerk of the Crown or his lawful Deputy shall and is hereby required, within seven days after the holding of every such Court as aforesaid, to return under his hand to the person who presided at the said Court a complete abstract of all Recognizances forfeited, and of all Fines and penalties imposed by the Court or returned to the said Court by the Coroners, specifying those in which the moneys shall not have been paid, or the party committed for such Fine, penalty, or forfeiture, and shall also deliver a duplicate of such of the said abstract to the Treasurer or his lawful Deputy: and all such fines, penalties, forfeitures, and recognizances remaining unsatisfied, and all fines, penalties, and forfeitures imposed by this Act, and not otherwise provided for, shall be enforced, recovered, and levied by Warrant to be issued within fourteen days after the return so made as aforesaid, under the hand and seal of the President of the said Court in the form hereto annexed, or as near thereto as the nature of the case will admit, directed to the Provost Marshal, or his lawful Deputy, commanding him immediately to levy upon the goods and chattels, lands, and tenements of

No. 98.
20th January, 1854.

CL. XXXIV.
Marshal to detain any person until Fine paid.

To account for money received.

CL. XXXV.
Mitigation of Fines.

CL. XXXVI.
Warrant to issue for payment of Fines and Forfeited Recognizances.

No. 98.
20th January, 1854.

Proviso.

CL. XXXVII.
Six persons sufficient
to form a Coroner's
Jury.

CL. XXXVIII.
Inquisition or Verdict
returned on a Sunday
valid.

CL. XXXIX.
Penalty on Jurors
summoned, and omit-
ting to attend on In-
quests.

Proviso.

CL. XL.
Inquisition to be re-
turned into Court.

the defaulter or defaulters, and sell the same (in the same manner as sales are conducted on Executions issuing out of the Supreme Court of Judicature) to satisfy the said fines or forfeitures, together with the same fees and allowances for such levy and sale as are allowed on sales under Execution in the Supreme Court of Judicature; and in case the said Provost Marshal cannot immediately find sufficient goods and chattels, lands, and tenements of the said defaulter or defaulters, then to attach the body or bodies of the said defaulter or defaulters, and him or them to imprison in the Common Gaol for the following periods, that is to say:—for the space of fourteen days for any sum not exceeding Two Pounds Ten Shillings; twenty-eight days for any sum not exceeding Five Pounds, and so and in like proportion for any greater amount, unless the amount of such fines, penalties, or forfeitures be sooner paid: *Provided always*, That before any Warrant for the recovery of any forfeited recognizance under this Act shall issue, it shall be lawful for the Chief Justice, or the Senior Assistant Justice of the said Court, to call upon the parties who have entered into such recognizance, by rule or order returnable within four days from the date thereof, to show cause why such recognizance should not be forfeited.

And whereas great difficulty and delay is frequently occasioned by the necessity that now exists for twelve Jurors to be empanelled on a Coroner's Jury, and by the nonattendance of Jurors and Witnesses summoned to attend the Coroners on taking Inquests:—for remedy whereof, *Be it enacted*, That an Inquisition taken before and a verdict returned by a Jury of six persons duly summoned and empanelled to serve on a Coroner's Jury shall be deemed, taken, and considered as a good, valid, and sufficient Inquisition, finding, and verdict in Law; and all such and the like proceedings as have heretofore been had and taken on an Inquisition taken before and a verdict returned by twelve Jurors shall and may be had and taken by the Coroners of this Colony on and under an Inquisition, finding, and verdict had and taken before and returned by a Jury composed of such six Jurors as afore-said.

That an Inquisition held or verdict returned on a Sunday shall be deemed and taken to be as good, valid, and effectual, to all intents and purposes, as if the same had been had, held, or returned on any other day.

That if any person, having been duly summoned as a Juror or Witness to give evidence upon any Coroner's Inquest, shall not appear and serve as such Juror, or appear and give evidence on such Inquest, every such Coroner shall be empowered to impose such Fine upon every such person so making default as he shall think fit not exceeding Forty Shillings; and every such Coroner shall make out and sign a Certificate containing the name and surname of every such person so making default, together with the proof of the service of the Summons upon such person, and also the amount of the Fine imposed, and the cause of such Fine, and shall transmit such Certificate to the Clerk of the Crown ten days before the first day of each Quarterly Court of Sessions then next ensuing, unless such Fine shall be imposed within such ten days, in which case he shall transmit the same immediately thereafter; and such Coroner shall cause a copy of such Certificate to be served upon the person so fined by leaving it at his residence twenty-four hours at the least before the first day of the said next Quarterly Sessions of the Peace; and the said Clerk of the Peace shall lay such Certificate before the Court on its first day of meeting, for adjudicating thereon, and if confirmed by the Court the Clerk of the Crown shall include such Fines in the Return required to be made by him to the President of the Court of Forfeited Recognizances: *Provided always*, That the person upon whom such Fine shall have been imposed by any such Coroner shall have full power and authority, at any time during the sitting of the Court that shall be first held next after the imposition of such Fine, to show cause why such Fine should not be levied or enforced; and upon the Court being satisfied on such cause shown, the said Court shall make an order discharging the party so fined from the payment thereof.

That every Inquest taken by the Coroners of this Government shall be

laid by the Clerk of the Crown before the Court of Grand Sessions of the Peace hereby established at the Court to be held next after the taking of the same, and the said Court is hereby authorized and empowered, on inspection thereof and of the Report of the Coroner hereinafter required to be thereto affixed, to grant a Certificate that such Inquest appears to have been necessary, or that the Coroner was justified in holding the same; and no Coroner shall be entitled to be paid out of the public funds of this Colony for the holding any Inquest, except such as shall be so certified as necessary or justified by the said Court; and a List of such Inquests so certified shall be laid before the Legislature at each quarterly meeting thereof by the Clerk of the Crown; and every Coroner who shall return any Inquest into the Office of the Clerk of the Crown shall send in therewith a Report in writing, signed by him, of the circumstances under which a Jury was by him summoned to take such Inquest, together with the name or names of the person or persons from whom such Coroner shall have obtained the information on which he so summoned a Jury, and the nature of such information; and where a Medical Practitioner shall have been called in to attend such Inquest or to make any *post mortem* examination, the Coroner shall, in such Report, certify whether such Medical Witness was summoned, or such *post mortem* examination made, on the request of the Jury, or how otherwise.

No. 98.
20th January, 1854.

Court to certify Inquest necessary.
Payment of Coroners.

Medical Practitioner attending as Witness.

That in all cases where it shall be made to appear to any Judge of the Court hereby established, or to any two Justices of the Peace for this Government, upon the Oath of any credible Witness, that any Tumult, Riot, or Felony has taken place, or may be reasonably apprehended, in any Parish, Town, or place within the said Government, and such Judge or Justices shall be of opinion that the ordinary Officers appointed for preserving the peace are not sufficient for the preservation of the peace and for the protection of the Inhabitants and the security of the Property in any such Parish, Town, or place as aforesaid, then and in every such case such Judge or Justices, or any two or more Justices for the said Government is and are hereby authorized to nominate and appoint, by precept in writing under his or their hands, so many as he or they shall think fit of the Householders or other persons (not legally exempt from serving the office of Constable) residing in such Parish, Town, or place as aforesaid or in the neighbourhood thereof, to act as Special Constable for such time and in such manner as to the said Judge or Justices respectively shall seem fit and necessary for the preservation of the public peace and for the protection of the Inhabitants and the security of the Property in such Parish, Town, or place; and the Judge or Justices of the Peace who shall appoint any Special Constable by virtue of this Act, or any one of them, or any other Justice of the Peace acting for the said Government are and is hereby authorized to administer to every person so appointed the following Oath, that is to say:—I A. B. do swear that I will well and truly serve our Sovereign Lady the Queen in the office of Special Constable for the Parish (or Town) of _____, without favour or affection, malice or ill-will; and that I will to the best of my power cause the peace to be kept and preserved, and prevent all offences against the persons and properties of Her Majesty's subjects: and that, while I continue to hold the said office, I will to the best of my skill and knowledge discharge all the duties thereof faithfully, according to Law.—So help me God: *Provided always*, That whenever it shall be deemed necessary to nominate and appoint such Special Constables as aforesaid, notice of such nomination and appointment and of the circumstances which have rendered such nomination and appointment expedient shall be forthwith transmitted by the Judge or Justices making such nomination and appointment to the Officer administering the Government of the said Island.

CL. XLI.
Appointment of Special Constables.

Oath.

That every Special Constable appointed under this Act shall, not only within the Parish, Town, or place for which he shall have been appointed, but also throughout this Government, have, exercise, and enjoy all such powers, authorities, advantages, and immunities, and be liable to all such duties and responsibilities as any Constable duly appointed now has within

CL. XLII.
Powers of Special Constables.

No. 98.
20th January, 1854.

his Constabewick by virtue of the Common Law of England or of any Statute or Statutes or Act or Acts of the Legislature.

CL. XLIII. & XLIV.
Governor in Council
to frame Rules for
breaches of Prison Discipline, and for granting Tickets of Leave. [Repealed by Act 7th July, 1854.]

CL. XLV.
Fees abolished, and
Compensation given.

[Repealed as to Clerk
of the Crown by "The
Colonial Secretary's
Salary Act, 1856,"
s. 2.]

That all Fees hitherto receivable by the Chief Justice, Clerk of the Crown, and Provost Marshal respectively, either on behalf of the Public or any of the parties in any Indictment, shall be and the same are hereby abolished, except as hereinbefore or hereinafter excepted and provided for, and that the present Chief Justice shall receive in lieu thereof the annual sum of Twenty Pounds; *the Clerk of the Crown the annual sum of Fifty Pounds;* and the present Provost Marshal the annual sum of Twenty-five Pounds: *Provided always,* That the said annual sums hereby given to the present Chief Justice and Provost Marshal respectively shall cease to be payable and demandable on any vacancy occurring in the said offices, and shall not be payable to any Successor in office of the said Chief Justice or Provost Marshal.

ST. VINCENT.

To the Provost Marshal, or his lawful Deputy.

WHEREAS at a Court of Grand Sessions of the Peace, [or Court of Oyer and Terminer and General Gaol delivery, *as the case may be,*] holden for this Island of St. Vincent and its Dependencies, in the Town of Kingstown, in the said Island, on the day of , in the year of our Lord 18 , *A. B.* was adjudged by the said Court to pay a fine [or forfeiture] of [or *A. B.* was adjudged by the said Court to be liable to a fine imposed upon him by the Coroner of the Parish of ,] [or a certain recognizance of *A. B.* for the sum of was declared adjudged by the said Court to be forfeited, the said *A. B.* having failed to appear on his said Recognizance as he was bound to do,] [or *as the fact may be*]: These are therefore to authorize and command you, the said Provost Marshal, immediately to levy upon so much of the goods and chattels, and failing sufficient goods and chattels, then on the lands and tenements of the said *A. B.* [and to sell the same in the same manner as sales are conducted on executions issuing out of the Supreme Court of Judicature of the said Island], sufficient to satisfy the said sum of , and to pay the same fees and allowances for the levy and sale thereof as are allowed in cases of levy and sale by execution as aforesaid: and in case you cannot immediately find sufficient goods and chattels, lands and tenements of the said *A. B.* to satisfy the said sum of , with such fees and allowances as aforesaid, you are forthwith to attach the body of the said *A. B.*, and him to imprison in the Common Gaol for the space of [here insert the term of imprisonment as fixed by law], and for so doing this shall be your Warrant: and of your proceedings you are to make a return hereon, within thirty days from the date hereof.

Given under the hand and seal of , President of the said Court, at Kingstown, in the said Island of St. Vincent, this day of , in the year of our Lord 18 , and in the year of the reign of Her Majesty Queen Victoria.

No. 99.

An Act to Amend the Law of Evidence.

[28th January, 1854.]

CL. I.
Witnesses not to be
excluded from giving
Evidence by incapacity
from crime or
interest.

WHEREAS the inquiry after truth in Courts of Justice is often obstructed by the operation of the present Law of Evidence, and the rules hitherto observed in Courts of Justice in administering the same, and it is desirable to amend and improve the Law of Evidence in divers particulars: *Be it enacted* by the Officer administering the Government of the Island of St. Vincent and its Dependencies, and by the Council and Assembly of the same, that no person offered as a Witness shall hereafter be excluded by reason of incapacity from crime or interest from giving evidence either in person or by deposi-

tion, according to the practice of the Court, on the trial of any issue joined of or any matter or question, or on any inquiry arising in any suit, action, or proceeding, civil or criminal, in any Court, or before any Judge, Jury, Sheriff, Coroner, Magistrate, Officer, or person having by Law, or by consent of parties, authority to hear, receive, and examine Evidence; but that every person so offered may and shall be admitted to give evidence on Oath (or Solemn Affirmation, in those cases wherein Affirmation is by Law receivable), notwithstanding that such person may or shall have an interest in the matter in question, or in the event of the trial of any issue, matter, question, or inquiry, or of the suit, action, or proceeding in which he is offered as a Witness, and notwithstanding that such person offered as a Witness may have been previously convicted of any crime or offence: *Provided always*, That where any person who is or has been an Attorney for any of the parties to the record shall be adduced and examined as a Witness for his client, it shall not be competent to the party adducing such Witness to object on the ground of a confidential or privileged communication to any question proposed to be put to such Witness on matter pertinent to the issue.

That on the trial of any issue joined, or of any matter or question, or on any inquiry arising in any suit, action, or other proceeding in any Court of Justice, or before any person having by Law or by consent of parties authority to hear, receive, and examine evidence, the parties thereto, and the persons in whose behalf any such suit, action, or other proceeding may be brought or defended shall (except as hereinafter excepted) be competent and compellable to give evidence, either *visâ voce* or by deposition, according to the practice of the Court, on behalf of either or any of the parties to the said suit, action, or other proceeding.

That nothing herein contained shall render any person who in any criminal proceeding is charged with the commission of any Indictable Offence, or any offence punishable on summary conviction, competent or compellable to give evidence for or against himself or herself, or shall render any person compellable to answer any question tending to criminate himself or herself.

That nothing herein contained shall apply to any action, suit, proceeding, or bill, in any Court of Common Law, or in any Ecclesiastical Court, or instituted in consequence of Adultery, or to any action for breach of Promise of Marriage.

That on the trial of any issue joined, or of any matter or question, or on any inquiry arising in any suit, action, or other proceeding in any Court of Justice, or before any person having by Law or by consent of parties authority to hear, receive, and examine evidence, the husbands and wives of the parties thereto, and of the persons in whose behalf any such suit, action, or other proceeding may be brought or instituted, or opposed or defended, shall, except as hereinafter excepted, be competent and compellable to give evidence, either *visâ voce* or by deposition, according to the practice of the Court, on behalf of any or either of the parties to the said suit, action, or other proceeding: *Provided always*, That nothing herein shall render any husband competent or compellable to give Evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband in any criminal proceeding, or in any proceeding instituted in consequence of Adultery: *And provided also*, That no husband shall be compellable to disclose any communication made to him by his wife during the marriage, and no wife shall be compellable to disclose any communication made to her by her husband during the marriage.

That whenever any action or legal proceeding shall henceforth be pending in the Supreme Court of Judicature in this Island, such Court, and each of the Judges thereof, may respectively, on application made for that purpose by either of the litigants, compel the opposite party to allow the party making the application to inspect all documents in the custody or under the control of such opposite party, relating to such action or other legal proceeding, and, if necessary, to take examined copies of the same, in all cases in which previous to the passing of this Act a discovery might have been obtained by filing a Bill, or by any other proceeding in a Court of Equity,

CL. II.
Parties to be admissible Witnesses.

CL. III.
Parties charged with Criminal Offence not to give evidence against themselves.

CL. IV.
Not to apply to proceedings for Adultery, &c.

CL. V.
Husbands and Wives of parties to be admissible Witnesses.

Proviso.
In cases of Criminal Proceedings and in Adultery.

Proviso.
As to communications made during Marriage.

CL. VI.
Supreme Court authorized to compel inspection of Documents.

No. 99.
28th January, 1854.

CL. VII.
British and Foreign
Acts of State, Judg-
ments, &c., provable
by certified copies
without proof of seal
or signature.

at the instance of the party so making application as aforesaid to the said Court or Judge.

That all Proclamations, Treaties, and other Acts of State of any Foreign State, or of Great Britain or Ireland, or of any British Colony, and all judgments, decrees, orders, and other judicial proceedings of any Court of Justice in any Foreign State, or in Great Britain or Ireland, or in any British Colony, and all affidavits, pleadings, and other legal documents, filed or deposited in any such Court, may be proved in any Court of Justice, or before any person having by Law or by consent of parties authority to hear, receive, and examine evidence in the said Island, either by examined copies, or by copies authenticated as hereinafter mentioned; that is to say, if the document sought to be proved be a Proclamation, Treaty, or other Act of State, the authenticated copy, to be admissible in evidence, must purport to be, in the case of Great Britain or Ireland, a copy printed by the Queen's Printer, and so appearing upon the face of it; and in the case of any Foreign State or British or Foreign Colony must purport to be sealed with the seal of the Foreign State or Colony to which the original document belongs; and if the document sought to be proved be a judgment, decree, order, or other judicial proceeding of any Foreign or British or Colonial Court, or an affidavit, pleading, or other legal document, filed or deposited in any such Court, the authenticated copy, to be admissible in evidence, must purport either to be sealed with the seal of the Foreign or British or Colonial Court to which the original document belongs; or in the event of such Court having no seal, to be signed by the Judge (or if there be more than one Judge, by any one of the Judges) of the said Court, and such Judge shall attach to his signature a statement in writing on the said copy that the said Court whereof he is a Judge has no seal; but if any of the aforesaid authenticated copies shall purport to be printed, sealed, or signed as hereinbefore respectively directed, the same shall respectively be admitted in evidence in every case in which the original document could have been received in evidence, without any proof of the printing by the Queen's Printer aforesaid, or of the seal (where a seal is necessary), or of the signature, or of the truth of the statement attached thereto (where such signature and statement are necessary), or of the judicial character of the person appearing to have made such signature and statement.

CL. VIII.
Apothecaries' Certifi-
cates admissible with-
out proof of seal.

That every Certificate of the qualification of an Apothecary, and every Diploma of a Surgeon or Physician, which shall purport to be under the seal of the Society of Apothecaries of the City of London, or of any College or Society of Surgeons or Physicians in the United Kingdom of Great Britain and Ireland, shall be received in evidence in any Courts of Justice, or before any person having by Law, or by consent of parties, authority to hear, receive, and examine evidence, without any proof of the said seal, or of the authenticity of the said Certificate or Diploma, and shall be deemed sufficient proof that the person named therein has been, from the date of the said Certificate or Diploma, duly qualified to practise as an Apothecary, Surgeon, or Physician in any part of the United Kingdom and Ireland.

CL. IX.
When necessary to
prove Conviction or
Acquittal not necessa-
ry to produce Record.

And whereas it is expedient as far as possible to reduce the expense attendant upon the proof of criminal proceedings: *Be it enacted*, That whenever in any proceeding whatever it may be necessary to prove the trial and conviction or acquittal of any person charged with any Indictable Offence, it shall not be necessary to produce the Record of the conviction and acquittal of such person or a copy thereof, but it shall be sufficient that it be certified or purport to be certified under the hand of the Clerk of the Court or other officer having the custody of the Records of the Court where such conviction or acquittal took place, or by the Deputy of such Clerk or other Officer, that the paper produced is a copy of the Record of the Indictment, trial, conviction, and judgment, or acquittal, as the case may be, omitting the formal parts thereof.

CL. X.
Examined copies of
Documents admissi-
ble.

That whenever any Book or other Document is of such a public nature as to be admissible in evidence on its mere production from the proper custody, and no Statute exists which renders its contents provable by means of a copy, any copy thereof or extract therefrom shall be admissible in evidence

in any Courts of Justice or before any person now or hereafter having, by Law or by consent of parties, authority to hear, receive, and examine evidence, provided it be proved to be an examined copy or extract, or provided it purport to be signed and certified as a true copy or extract by the Officer to whose custody the original is entrusted, and which Officer is hereby required to furnish such certified copy or extract to any person applying at a reasonable time for the same, upon payment of a reasonable sum for the same, not exceeding Eightpence for every folio of one hundred words.

That if any Officer, authorized or required by this Act to furnish any certified copies or extracts shall wilfully certify any Document as being a true copy or extract, knowing that the same is not a true copy or extract, as the case may be, he shall be guilty of a Misdemeanour, and be liable, upon conviction, to be imprisoned for any term not exceeding eighteen months.

That any Court, Judge, Justice, Officer, Commissioner, Arbitrator, or other person, now or hereafter having, by Law or by consent of parties, authority to hear, receive, and examine evidence, is hereby empowered to administer an Oath to all such Witnesses as are legally called before them respectively.

That if any person shall forge the stamp, seal, or signature of any Document in this Act mentioned or referred to, or shall tender in evidence any such Document with a false or counterfeit seal, stamp, or signature thereto, knowing the same to be false or counterfeit, he shall be guilty of Felony, and shall, upon conviction, be liable to transportation for seven years, or to imprisonment for any term not exceeding three years, nor less than one year, with hard labour; and whenever any such Document shall have been admitted in evidence by virtue of this Act, the Court or person who shall have admitted the same may, at the request of any party against whom the same is so admitted in evidence, direct that the same shall be impounded and kept in the custody of some Officer of the Court, or other proper person, for such period and subject to such conditions as to the said Court or person shall seem meet.

No. 99.
28th January, 1854.

CL. XI.
Certifying false Documents a Misdemeanour.

CL. XII.
Courts, &c., may administer Oaths.

CL. XIII.
Persons forging seal, &c., of Documents, or wilfully uttering the same, guilty of Felony.

No. 100.

An Act to Provide for the Performance of the Duties of the Clergy during Temporary Absence.
[28th January, 1854.]

WHEREAS the salaries of the several Rectors and Curates of this Government are payable only during actual residence of such Rectors and Curates and personal discharge of their duties in the said Government; and it is expedient to provide for the performance of their duties during temporary absence: *Be it enacted* by the Officer administering the Government of the Island of St. Vincent and its Dependencies, and by the Council and Assembly of the same, that it shall be lawful for the Officer administering the said Government, with the consent of the Lord Bishop of the Diocese, in case of sickness of any Rector or Curate, or other urgent cause requiring his absence from the said Government, to grant leave of absence to such Rector or Curate for any period not exceeding six months: *Provided* that the Officer administering the said Government, with consent of the Lord Bishop of the Diocese, may renew such leave of absence when and so often as urgent cause shall so require.

That it shall be lawful for the Officer administering the said Government to issue his Warrant to the Treasurer for payment to any Rector or Curate, or person in Holy Orders who may be appointed by the Lord Bishop of the Diocese to perform the duties of any Rector or Curate absent under such leave as aforesaid, the like salary for his performance of the said duties during such absence and for such time as he shall perform the same, as is or shall be payable by Law to the Rector or Curate so absent, which said salary shall be in lieu of salary to the said Rector or Curate so absent: and if such salary is or shall be payable quarterly or otherwise, then at the like proportion for any period less than a quarter: *Provided*, That nothing herein

CL. I.
Clergy may obtain Leave of Absence.

Proviso.
Leave may be renewed.

CL. II.
Clergyman appointed *ad interim* to receive same salary as Clergyman absent on leave.

Proviso.
Salary may be divided

No. 100.
28th January, 1854.

on arrangement between Clergymen.

CL. III.
Bishop's consent not necessary for leave to Presbyterian Minister.

contained shall prevent or interfere with any arrangement for the division or appropriation of such salary between the person so appointed and such Rector or Curate so absent on leave as aforesaid.

That in the case of the Presbyterian Minister it shall not be necessary to require the consent of the Bishop of the Diocese, but it shall be lawful for the Officer administering the said Government to grant such leave of absence as aforesaid to the Presbyterian Minister; and the salary of such Presbyterian Minister shall in such case still continue to be payable to any duly ordained Minister who may be appointed to officiate in place of the said Presbyterian Minister, and who shall so officiate during his absence: *Provided*, That the person so to be appointed shall be duly approved of by the Officer administering this Government: *Provided also*, That no Salary whatever shall be payable during such time as no officiating Presbyterian Minister shall be appointed and act as aforesaid.

No. 101.

An Act to point out the Mode of Procedure before Justices of the Peace, and to facilitate the Performance of their Duties with respect to Summary Convictions and Orders.
[15th May, 1854.]

Preamble.

WHEREAS it would conduce very greatly to the improvement of the administration of justice within the Government of the Island of St. Vincent and its Dependencies, so far as respects Summary Convictions and Orders to be made by Her Majesty's Justices of the Peace therein, if the several Acts of the Legislature of the said Government relating to the mode of procedure before such Justices, and their duties in respect to Summary Convictions and Orders were consolidated, with such additions and alterations as may be deemed necessary, and that such mode of procedure and such duties should be clearly defined by positive enactment.

CL. I.
Short title of Act may be cited.

Be it therefore enacted by the Officer administering the said Government for the time being, and by the Council and Assembly of the same, that in citing this Act in any other Act of the said Legislature, and in all legal Instruments, it shall be enough to use the expression "The Summary Procedure Act, 1853."

CL. II.
Construction of the words "Justice," "Constable," "Peace Officer," "Oath," "Petty Misdemeanour," "Petty Offence," "Other Offence," "Prosecutor," "Complainant," "Defendant," "Month," and the use of words denoting number and sex.

That in the construction of this Act the word "Justice" shall mean any Justice being one of Her Majesty's Justices of the Peace in and for the said Government; and the word "Constable" shall mean Police Officers appointed by virtue of any Act of the said Legislature now in force, or which may hereafter be in force, within the said Government, for the establishment of a Police Force, as well as Police Constables appointed by virtue of any such Act; and the words "Peace Officer" shall mean any other Peace Officer or Constable duly appointed as a Peace Officer or Constable to act either throughout the said Government or for any town or parish or island within the said Government; and the word "Oath" shall mean an affirmation in the case of Quakers, or any affirmation or declaration now or which may hereafter be lawfully substituted for an Oath in the case of any other persons allowed by Law to make an affirmation or declaration instead of taking an Oath; and the words "Petty Misdemeanour" shall mean any offence punishable on summary conviction by imprisonment with or without hard labour, or defined as a Petty Misdemeanour in any Act of the said Legislature now in force, or which may hereafter be in force, within the said Government; and the words "Petty Offence," or "Other Offence," shall mean any Offence other than a Petty Misdemeanour, and not punishable by imprisonment or hard labour; and the word "Prosecutor" shall mean the person by whom any Information shall be laid, or Charge made and brought before any Justice of the Peace for any Petty Misdemeanour, or for any other offence or petty offence; and that the word "Complainant" shall mean the person by whom any Complaint shall be made, or Charge made and brought for any matter of Complaint before any such Justice of the Peace; and the word "Defendant"

shall mean the person against whom any such Information shall be so laid or Charge shall be so made or brought or against whom any such Complaint shall be so made, or Charge so made and brought, for any matter of Complaint; and the word "Month" shall mean calendar month, and that unless there be something in the context repugnant thereunto, any word denoting the singular number, or the male sex, shall be taken to mean and include any number of persons or things and both sexes.

That it shall be lawful for any Justice to administer or cause to be administered any Oath which may be necessary to carry into effect any of the provisions of this Act.

That if any person shall upon Oath administered by or before any Justice, by virtue of this Act, wilfully and corruptly swear to anything which shall be false, such person shall be guilty of wilful and corrupt Perjury, and liable to the penalties of such offence.

With respect to the *Procedure to compel the appearance of a person charged by Information with having committed any Petty Misdemeanour, or other Petty Offence, or to answer any Complaint*:—Be it enacted, That in all cases in which any Information shall be laid before any Justice that any person has committed, or is suspected to have committed, any Petty Misdemeanour, or any Petty Offence, or other offence within the said Government, and within the jurisdiction of any one, two, or more Justices, to hear, try, and determine according to the Statute or to the Act of the said Legislature in such case made and provided, and for which such person is now liable by any Statute, or by any Act of the said Legislature now in force, or for which such person may hereafter be liable by any Statute or by any Act of the said Legislature which may hereafter be in force within the said Government, upon a Summary Conviction for the same before any such one, two, or more Justices, to have a penalty, or fine, or forfeiture imposed, or to be imprisoned with or without hard labour, or to be otherwise punished: and also in all cases of Complaint in which the matter of such Complaint arose within the said Government, and which shall be made to any such Justice, and upon which any such one, two, or more Justices may now or shall hereafter have authority by Law to make an order for the doing of any act, or for the payment of any money, or otherwise according to the Statute or to the Act of the said Legislature in such case made and provided, and such person shall not then be in custody, it shall be lawful for such Justice before whom any such Information shall be laid, or Complaint shall be made, to issue a Summons directed to such person, requiring such person to appear at a time and place to be therein mentioned before such Justice, or such Justice and any other Justice, or before any other two Justices, as the case may be, and then and there to answer such Information or Complaint, and to be further dealt with according to Law; and if after the service of such Summons, in the manner hereinafter mentioned, such person shall not appear, such Justice or Justices, or either of them may issue a Warrant to apprehend such person, and to cause him to be brought before such Justice as may have issued such Warrant, or before such Justice and any other Justice, or before any other two Justices, as the case may be, to answer such Information, and to be further dealt with according to Law: *Provided nevertheless*, That nothing herein contained shall prevent any Justice from issuing a Warrant to apprehend such person if he think fit at any time, either before or after the time mentioned in such Summons for the appearance of such person on an Information laid or Complaint made on Oath as hereinafter mentioned; and provided also that every such Information shall be for one Petty Misdemeanour, or Petty Offence, or other offence only, and not for two or more Petty Misdemeanours, or Petty Offences, or other offences, and that every such Complaint shall be for one matter of Complaint only, and not for two or more matters of Complaint; and every such Information shall be laid, or Complaint be made by the prosecutor or complainant in person, or by his counsel or attorney, or by any person authorized in that behalf so to do.

That in all cases in which any Information shall be laid before any Justice that any person has committed, or is suspected to have committed, any Petty Misdemeanour, or any Petty Offence, or other Offence on the High Seas, according to the provisions of the Statute of the 12th and 13th Victoria,

No. 101.
15th May, 1854.

CL. III.
Justices may administer any Oath, &c.

CL. IV.
Any person who swears falsely guilty of Perjury.

First Procedure.

CL. V.
On Information laid or Complaint made before any Justice, such Justice may issue a Summons for the appearance of the person charged.

Summons.

If after the service of Summons such person does not appear, any Justice may issue a Warrant to apprehend.

Proviso.
Justice may issue a Warrant either before or after the time mentioned in the Summons on Information, &c., on Oath laid, &c.

Proviso.
Each Information to be for one Misdemeanour, &c., only, and each Complaint for one matter of complaint only, and may be made in person, or by Counsel or Attorney, &c.

CL. VI.
On Information laid, or Complaint made, in a case of Petty Mis-

No. 101.
15th May, 1854.

demeanour, &c., committed, or matter of Complaint which arose on the High Seas.

Summons.

Preamble.

CL. VII.

Any two or more Justices to have in certain cases the same jurisdiction as the Police Magistrates had when certain Police Acts, now expired, were in force.

CL. VIII.

Time limited for such Information or Complaint,

or on the High Seas after the arrival of the ship, &c., at port of discharge.

CL. IX.

On Information laid or Complaint made before any Justice, such Justice may issue a Warrant, if Information or Complaint be on Oath, &c.

CL. X.

Information for Petty Misdemeanour to be in writing and on Oath, if it be intended to issue a Warrant in the first instance.
Provido.

ch. 96, intituled "An Act to provide for the Prosecution and Trial in Her Majesty's Colonies of Offences committed within the Jurisdiction of the "Admiralty," in such case made and provided, or within three miles from the shores or headlands of any of the Islands within the said Government, or in any of the channels between the said Island of St. Vincent and any other Islands its Dependencies, and within the jurisdiction of any one, two, or more Justices as aforesaid; and also, in all cases of Complaint on the High Seas as hereinbefore mentioned, and within the jurisdiction of any one, two, or more Justices as aforesaid, and such person shall not be in custody, it shall be lawful for such Justice to issue a Summons, as hereinbefore mentioned; and all such other proceedings shall also be taken, as hereinbefore mentioned, in the same manner as if the Petty Misdemeanour, or Petty Offence, or other offence had been committed, or the matter of Complaint had arisen within some part of the said Government.

And whereas, while certain Acts of the said Legislature, now expired, for the appointment of Police Magistrates to exercise the duties of one, two, or more Justices in certain Districts defined in such Acts were in force, certain other Acts of the said Legislature were passed by which jurisdiction in certain cases was given either to the Police Magistrate for the Kingstown Police District, or to the Police Magistrates generally in their respective Districts; *And whereas* it is expedient to give jurisdiction to two or more Justices to hear, try, and determine all Informations and Complaints, and all matters and things whatever which may have been heard, tried, and determined by such Police Magistrate for the Kingstown District, or by any other such Magistrates: *Be it enacted*, That in all cases whatever in which under any Act of the said Legislature either the Police Magistrate for the time being for the Kingstown Police District or any Police Magistrate for any or either of any other of the Districts defined by any Act of the said Legislature had jurisdiction, any two or more Justices under and by virtue of this Act shall have and exercise the same jurisdiction, and have the same power and authority as such Police Magistrate for the Kingstown Police District, or such Police Magistrates had generally within their respective Districts: and any such two or more Justices may, by virtue of this Act, hear, try, and determine all Informations and Complaints whatever, and all matters and things whatever which by any Act of the said Legislature were within the jurisdiction either of the Police Magistrate for the Kingstown District, or within the jurisdiction of the Police Magistrates generally to hear, try, and determine, any Act of the said Legislature whatever in any way to the contrary notwithstanding.

That in all cases, in respect to which time is not already or shall not hereafter be specially limited for laying any such Information or making any such Complaint in the Statute or Statutes, or in the Act or Acts of the said Legislature relating to each particular case, such Information shall be laid and such Complaint shall be made within three calendar months from and after the day during which the offence or act charged in such Information, or the matter of such Complaint, may respectively have been committed, or may have happened, taken place, or arisen; or if on the High Seas, within such period after the arrival of the ship or vessel at her port of discharge, or within such shorter period as shall be limited by the Statute or by the Act of the said Legislature specifying the Offence, and not afterwards.

That it shall be lawful for such Justice before whom any such Information shall be laid or Complaint shall be made, if on Oath as hereafter mentioned, and if he shall so think fit, instead in the first instance of issuing a Summons to issue a Warrant to apprehend such person, and to cause him to be brought up before such Justice and any other Justice, or before any other two Justices to answer such Information or Complaint, and to be further dealt with according to Law.

That in all cases in which any Information shall be laid or Complaint shall be made before any Justice, if it be intended to issue a Warrant in the first instance against the Defendant, such Information or Complaint shall be in writing, and either on the Oath of the Prosecutor or Complainant, or on the Oath of some other person, in support of the charge made in such Information, or of the matter of Complaint made in such Complaint: *Provided always*,

That in all cases in which it is intended to issue a Summons in the first instance and not a Warrant, it shall not be necessary for such Information or Complaint to be in writing or on Oath, but in every such case such Information or Complaint may be in writing without Oath, or by parol only; and *Provided also*, That no objection shall be taken or allowed to any Information or Complaint in writing or Summons for any alleged defect therein either in substance or form, or for any variance between such Information or Complaint or Summons and the evidence adduced on the part of the Prosecutor or Complainant at the hearing of such Information or Complaint as hereinafter mentioned; but if any such variance shall appear to such Justices at such hearing to be such that the Defendant may have been deceived or misled, it shall be lawful for such Justices upon such terms as such Justices shall think fit to adjourn the hearing of the said Information or Complaint to some future day.

That it shall be lawful for any Justice to grant or issue any such Warrant to apprehend as aforesaid, or any Search Warrant, on a Sunday as well as on any other day; and any such Warrant as aforesaid or any Search Warrant may be executed by the person or persons to whom directed as hereinafter mentioned on a Sunday as well as on any other day.

That all Warrants to apprehend and Search Warrants shall be directed either to a Constable or other Peace Officer, or other person by name, or to Constables and other Peace Officers generally, without naming any or either of them, or to any Constable or Peace Officer by name, and all other Constables and other Peace Officers, and shall be executed by the person or persons, or by some or one of them to whom such Warrant shall be directed; and all Warrants of Commitment shall be directed to the same persons and executed in the same manner and directed also to the Gaoler of the Common Gaol of the said Government at Kingstown in the said Island of St. Vincent, and all Warrants shall be under the hand and seal of the Justice, or under the hands and seals of the Justices, by whom any such Warrant may be granted or issued.

That every such Summons shall be under the hand of such Justice and shall be directed to the Defendant so charged in and by such Information, or so called on to answer to the matter of such Complaint, and such Summons shall contain a short statement of the offence charged in such Information, or the matter of such Complaint, and such statement or matter may be made in the words of the Statute, or of the Act of the said Legislature creating such offence or describing such Complaint, and such Summons shall require the Defendant to whom it is directed to be and appear at a time and place therein mentioned before the Justice who shall issue such Summons and any other Justice, or before any other two Justices as may then be there, to answer to the charge in such Information, or to answer to the matter of such Complaint, and to be further dealt with according to Law.

That every such Summons shall be served by a Constable or other Peace Officer upon the Defendant to whom it is directed, by delivering a copy of the same to such Defendant personally, or if he cannot conveniently be found by delivering such copy to some person for him at his last or most usual place of abode, such Constable or other Peace Officer at the same time producing the original Summons, if requested, and explaining the purport thereof to the person to whom he may deliver the copy of the said Summons; and the Constable or other Peace Officer who shall have served such Summons shall attend at the time and place before the Justices therein mentioned to make Oath, if necessary, as to the mode of service of such Summons.

That every such Warrant to apprehend the Defendant that he may answer to any such Information or to the matter of such Complaint as aforesaid, shall be directed and executed and signed and sealed as hereinbefore mentioned, and such Warrant shall contain a short statement of the offence charged in such Information or the matter of such Complaint, and such statement or matter may be made in the words of the Statute or of the Act of the said Legislature creating such offence or describing such Complaint, and shall name or otherwise describe the Defendant against whom such Warrant may

No. 101.
15th May, 1854.

Information not necessary to be in writing if it be intended to issue a Summons in the first instance.

Proviso.
No objection to be taken or allowed to any Information, or Complaint, or Summons, but Justices may adjourn the hearing.

CL. XI.
Justices may issue certain Warrants on Sundays, and the same may be executed on Sundays.

CL. XII.
The manner in which Warrants are to be directed, executed, and signed and sealed.

CL. XIII.
Summons to contain short statement of offence or matter of Complaint.
Form of Summons.

CL. XIV.
Summons to be served by Constable, &c., by delivering copy, &c.

CL. XV.
Warrant to apprehend to contain short statement of offence or matter of Complaint.

No. 101.
15th May, 1854.

Proviso.
No objection to be taken or allowed to any such Warrant, but Justices may adjourn the hearing and remand or take a recognizance for the appearance of the Defendant so apprehended.

Proviso.
As to the forfeiture of the condition of Recognizance.

CL. XVI.
Description of the property of partners, &c., in Information, or Complaint, or Charge.

CL. XVII.
Aiders, &c., liable to the same punishment as the principal offender.

CL. XVIII.
As to proceedings at the hearing, upon Informations or Complaints, when there is any variance between such Information or Complaint and the evidence.

be issued ; and it shall order the person or persons to whom it is directed to apprehend the Defendant and bring him before the Justice issuing the Warrant and any other Justice, or before any other two Justices, to answer to the charge contained in such Information or to the matter of such Complaint, and to be further dealt with according to Law ; and it shall not be necessary to make such Warrant returnable at any particular time, but the same shall remain in force until it shall be executed : *Provided always*, That no objection shall be taken or allowed to any such Warrant to apprehend the Defendant under or by virtue of this Act for any alleged defect therein in substance or in form, or for any variance between such Warrant and the evidence adduced on the part of the Prosecutor or Complainant at the hearing of such Information or Complaint as hereinafter mentioned ; but if any such variance shall appear to such Justices at such hearing to be such that the Defendant may have been deceived or misled, it shall be lawful for such Justices upon such terms as such Justices shall think fit to adjourn the hearing of the said Information or Complaint to some future day, and in the meantime to remand the Defendant so apprehended as hereinafter mentioned or to discharge him upon his entering into a Recognizance, with or without any surety or sureties at the discretion of such Justices, conditioned for his appearance at the time and place to which such hearing shall be so adjourned : *Provided also*, That in cases in which such Defendant shall be discharged upon Recognizance as aforesaid and shall not afterwards appear at the time and place in such Recognizance mentioned, the condition of such Recognizance shall be forfeited, and the sum so forfeited may be proceeded for and recovered in the manner hereinafter mentioned.

That in any Information, or Complaint, or Charge hereinafter mentioned, or the Proceedings thereon, in which it shall be necessary to state the ownership of any Property belonging to or in the possession of Partners, Joint Tenants, Parceners, or Tenants in Common, it shall be sufficient to name one of such persons, and to state the Property to belong to the person so named and another or others, as the case may be, and whenever in any Information, or Complaint, or the Proceedings thereon it shall be necessary to mention for any purpose whatsoever any Partners, Joint Tenants, Parceners, or Tenants in Common, it shall be sufficient to describe them in manner aforesaid ; and whenever in any Information, or Complaint, or the Proceedings thereon it shall be necessary to describe the ownership of any Building or Work made, maintained, or repaired at the expense of the Public of the said Government, or of any materials for the making, altering, or repairing of the same, such Building or Work may be therein described as the property of the inhabitants of the said Government, or as the property of the person for whose use or occupation such Building or Work may be appropriated, and such materials or other things appertaining or belonging to such Building or Work may be therein described as the goods and chattels of the person in whose custody or control such materials or other things may be.

That every person who shall aid, abet, counsel, or procure the commission of any Petty Misdemeanour, or petty Offence, or other Offence which is now or shall hereafter be punishable on Summary Conviction, shall be liable to be proceeded against and convicted for the same, either together with the principal offender or before or after his conviction, and shall be liable on conviction to the same penalty, fine, imprisonment, and punishment as such principal offender now is, or shall be hereafter by Law liable, and may be proceeded against and convicted in any part of the said Government.

That in all cases of Informations in writing for any Petty Misdemeanours, or petty Offences, or other Offences or acts now or which may hereafter be punishable upon Summary Conviction, and in all cases of Complaints in writing upon the matter of which Complaints such Justices now or may hereafter have authority by Law to make an order for the doing of any act, or for the payment of money, or otherwise, any variance between such Information or Complaint and the evidence adduced in support of the charge in such Information or of the matter of such Complaint as to the time at which such Petty Misdemeanour or petty Offence or other Offence or act shall be alleged to have been committed, or the matter of such Complaint shall be

alleged to have happened, taken place, or arisen shall not be deemed material if it be proved that such Information was in fact laid, or such Complaint was in fact made within the time limited by Law for laying such Information or making such Complaint; and any variance between such Information or Complaint and the evidence produced in support of the charge in such Information or of the matter of such Complaint as to the place in which such petty Misdemeanour, petty Offence, or other Offence or act shall be alleged to have been committed, or the matter of such Complaint shall be alleged to have happened, taken place, or arisen shall not be deemed material, provided that the petty Misdemeanour, or petty Offence, or other Offence shall be proved to have been committed and the matter of such Complaint shall be proved to have happened, taken place, or arisen within the jurisdiction of the Justices by whom such Information or Complaint shall be heard, tried, and determined; and if any such variance or any variance in any other respect between such Information or Complaint and the evidence adduced in support of either of them shall appear to the Justices at the hearing of such Information or Complaint to be such that the Defendant has been thereby deceived or misled, it shall be lawful for such Justices, upon such terms as such Justices shall think fit, to adjourn the hearing of the said Information or Complaint to some future day, and in the meantime to remand the Defendant as hereinafter mentioned, or to discharge him upon his entering into a recognizance with or without any surety or sureties, at the discretion of such Justices, conditioned for his appearance at the time and place to which such hearing shall be so adjourned: *Provided also*, That in cases in which such Defendant shall be so discharged upon recognizance as aforesaid and he shall not afterwards appear at the time and place in such recognizance mentioned, the condition of such recognizance shall be forfeited, and the sums so forfeited may be proceeded for and recovered in the manner hereinafter mentioned.

And with respect to the procedure to compel the attendance of Witnesses in respect to any Information, or Complaint, or Charge summarily to be heard, tried, and determined:—*Be it enacted*, That on the application of the Prosecutor or Complainant, or of any person who may himself have taken, or have caused any other person to have taken into custody, without a Warrant, any Defendant charged by him with having committed any petty Misdemeanour, or any petty Offence, or other Offence, or on the application of the Defendant to any such Information or Complaint, or of any Defendant who may have been taken into custody by any other person, or who may have been caused to have been taken into custody by any other person without a Warrant, and charged with having committed any petty Misdemeanour, or any petty Offence or other Offence, it shall be lawful for the Justice before whom such Information may have been laid or Complaint made, or for any other Justice at any time, or for either of the Justices before whom the Defendant shall either voluntarily have appeared or been brought up in custody, to issue a Summons under his hand to cause any person to be and appear before such Justice and any other Justice, or before any other two Justices to be examined as a Witness, and to testify that which he shall know and the truth concerning such Information, or Complaint, or Charge; and, if such Justice shall see fit, to bring with him and to produce on the hearing of any Information, or Complaint, or Charge, such Accounts, Papers, Books, or other Documents as shall be in his possession or power, and as by such Justice shall be deemed necessary; and every such Summons shall be under the hand of such Justice, and shall be directed to a Constable or other Peace Officer by name, or to Constables and other Peace Officers generally, without naming any or either of them, or to any Constable or Peace Officer by name, and all other Constables and other Peace Officers, or to any other person by whom such Summons may be served as hereinafter mentioned; and such Summons shall contain a statement of the nature only of the offence or of the matter concerning which such person is to be examined; and such Summons shall require such person to be and appear at a certain time and place therein mentioned before the Justice who shall issue such Summons and any other Justice, or before any other two Justices as may be then

No. 101.
15th May, 1854.

Justices may adjourn the hearing, and remand or take a Recognizance for the appearance of the Defendant.

Proviso.
As to the forfeiture of the condition of recognizance.

Second Procedure.

CL. XIX.
Justices may summons Witnesses, and to whom Summons may be directed.

No. 101.
15th May, 1854.

CL. XX.
Summons on Witness
to be served by Con-
stable, &c., by deliver-
ing a label, &c.

CL. XXI.
If Witness do not ap-
pear, Justices may
issue a Warrant.

Proviso.
If probable Witness
will not appear, Jus-
tice may issue a War-
rant in the first in-
stance.

And if witness appears
and refuses to be exa-
mined, &c., Justices
may commit.

And Warrants to be
directed and executed
as other Warrants.

Proviso.
If, after imprisonment,
Witness refuses to be
examined, Justices
may again commit,
and so from time to
time until consent.

there, to be examined on the part of the Prosecutor or Complainant, or on the part of the Defendant, as the case may be.

That every such last-mentioned Summons shall be served by a Constable or other Peace Officer, or any other person, upon the person named in such Summons as a Witness by delivering to such person personally a Label of such Summons directed to such person instead of a Summons; or if such person cannot conveniently be found by delivering such Label to some person for him at his last or most usual place of abode, such Constable or Peace Officer or other person at the same time producing the original Summons if requested, and explaining the purport thereof to the person to whom he may deliver such Label; and the Constable or other Peace Officer or other person who shall have served such Summons and delivered such Label shall attend at the time and place before the Justice therein mentioned, to make Oath if necessary.

That if any person so served shall not be and appear at the time and place, and before the Justices in the said Summons mentioned in obedience to the same, and no just excuse be offered and admitted by such Justices for such absence, then it shall be lawful for such Justices, on the affidavit of the Constable, or Peace Officer, or other person being made and indorsed on such Summons as to the due service of such Summons, and on such Justices being satisfied and of opinion that such service was a good service, and made a reasonable time before the time in such Summons appointed for appearing to the same, to issue a Warrant to apprehend the person so summoned and to bring him before such Justices, or any other two Justices to be examined as a Witness, and to testify that which he shall know, and the truth concerning such Information, or Complaint, or Charge; *Provided always*, That if the Justice before whom such Information may have been laid or Complaint made, or the Justices before whom the Defendant shall either voluntarily have appeared or been brought up in custody, shall, in the first instance, be satisfied by evidence upon Oath that it is probable such person will not attend to be examined and to testify that which he shall know, and the truth concerning such Information, or Complaint, or Charge, without being compelled so to do, then instead of such last-mentioned Summons it shall be lawful for such Justice or Justices, as the case may be, to issue such Warrant to apprehend in the first instance; and if on the appearance of such person before such Justices, either in obedience to such Summons, or upon being brought up before them by virtue of such Warrant to apprehend, such person shall refuse to be examined upon Oath concerning the premises, or shall refuse to take such Oath, or having taken such Oath shall refuse to answer such questions concerning the premises as shall be put to such person, or shall refuse or neglect to bring and produce any such accounts, papers, books, or other documents as aforesaid, without offering any just excuse for such refusal, such Justices may adjourn the hearing for any period not exceeding seven days, and may, in the meantime, by Warrant under their hands and seals, commit such person to the Common Gaol, there to remain and be imprisoned for any time not exceeding seven days unless such person shall, in the meantime, consent to be examined, and to take such Oath, and to answer such questions as shall be put to such person concerning the premises, and to bring and produce any such accounts, papers, books, or other documents as aforesaid; and such Warrant to apprehend shall be directed to the same persons, and executed in the same manner as the Warrants hereinbefore mentioned, and Warrants of commitment shall be also directed to the Gaoler of the Common Gaol of the said Government; *Provided always*, That after such person shall have been so imprisoned as aforesaid, if on being brought up before such Justices, or before such other two or more Justices at such adjournment, such person shall not then consent to be examined, or to take such Oath, or to answer such questions as shall be then put to him concerning the premises, or to bring and produce such accounts, papers, books, or other documents, such Justices may again adjourn such hearing, and such person may be again imprisoned as aforesaid, and so from time to time until he does consent to be examined, and to take such Oath, and to answer such questions as shall be put to him concerning the premises, and to bring and

produce such accounts, papers, books, or other documents as aforesaid ; but nothing herein contained shall be deemed to prevent such Justices from proceeding to hear, try, and determine such case or otherwise disposing of the same in the meantime according to any other sufficient evidence which shall have been received by them.

And whereas it often happens that the evidence of Medical Men is required on the hearing of Informations, or Complaints, or Charges, to be heard, tried, and determined as aforesaid by Justices of the Peace: *Be it enacted*, That in all cases in which any duly qualified Physician, or Surgeon, or other Medical Practitioner, shall attend and give his evidence as such Physician, Surgeon, or Medical Practitioner, at the hearing of any Information, or Complaint, or Charge, either voluntarily or in obedience to such Summons as aforesaid, such Physician, or Surgeon, or other Medical Practitioner, shall be entitled to demand, have, and receive, of and from the person on the application of whom he may either have attended voluntarily or in obedience to such Summons as aforesaid, and before such Physician, or Surgeon, or other Medical Practitioner, if so requested, shall be compelled to give such evidence as aforesaid as may be required of him, a sum not exceeding the sum of Ten Shillings on the hearing of each Information, or Complaint, or Charge, and such sum when so paid, or so requested to be paid, shall be allowed as costs on the hearing the said Information, or Complaint, or Charge.

That every material and necessary Witness who shall attend and give his evidence at the hearing of any Information, or Complaint, or Charge, either voluntarily or in obedience to such Summons as aforesaid, shall, on demand, if demanded in the presence of the Justices on the hearing of such Information, or Complaint, or Charge, be paid by the person on the application of whom he may either have attended voluntarily or in obedience to such Summons as aforesaid, and before such Witness, if so requested, shall be compelled to give such evidence as may be required of him, if such Witness be in the condition of life of a labourer or artisan, or in the employ of any other person, and his time and wages lost by his attendance as such Witness, a sum for any one day not exceeding the sum of Two Shillings as by such Justices shall be allowed as fair and reasonable for his necessary expenses and loss of time, and such sum when so paid, or so requested to be paid, shall be allowed as costs on the hearing the said Information, or Complaint, or Charge: *Provided always nevertheless*, That such Justices shall at the time of the conviction or order made in respect to such Information, or Complaint, or Charge, also determine whether any Witness produced is a material and necessary Witness, and the amount in such case to be allowed for his expenses and loss of time.

That no person who shall be so summoned as aforesaid to attend before any two or more Justices as a Witness in any Information, or Complaint, or Charge, shall be liable to arrest for debt whilst at the Court or other place where such Justices shall sit, or whilst proceeding to or returning from the same, provided such Witness shall proceed and return by the most direct road without any unnecessary delay ; and it shall be lawful for the Court out of which the writ or process shall have issued to order the discharge of any person who shall be so arrested.

And with respect to the Procedure at the hearing of any Information, or Complaint, or Charge, summarily to be heard, tried, and determined by Justices of the Peace:—*Be it enacted*, That every such Information, or Complaint, or Charge, shall be heard, tried, and determined by two or more Justices ; and the room or place in which such Justices shall sit to hear, try, and determine any such Information, or Complaint, or Charge, shall be deemed an open and Public Court to which the Public generally may have access so far as the same can conveniently contain them ; and the Prosecutor or Complainant shall be at liberty to conduct either personally, or by Counsel or Attorney, such Information, or Complaint, or Charge respectively, and to have the Witnesses examined, cross-examined, and re-examined by Counsel or Attorney on his behalf ; and the Defendant shall be admitted to make his full answer, and to conduct either personally, or by Counsel or Attorney, his

No. 101.
15th May, 1854.

But this not to prevent any case being disposed of on other evidence.

Preamble.

CL. XXII.
Medical Men, on giving evidence, to be paid a sum not exceeding 10s. on each Information, &c.

CL. XXIII.
Every material Witness to be paid for expenses and loss of time.

Proviso.
As to the Justices to determine whether the Witness produced was a material Witness.

CL. XXIV.
Witness not liable to arrest for debt.

And if arrested, shall be discharged by the Court.

Third Procedure.

CL. XXV.
As to the hearing of Information, &c.

Room, &c., an open Court.

Counsel or Attorney may conduct Information, &c., or defend.

No. 101.
15th May, 1854.

CL. XXVI.

If the Defendant does not appear, Justices may issue a Warrant to apprehend, or may hear, try, and determine the same.

defence thereto, and be at liberty to have the Witnesses examined, cross-examined, and re-examined by Counsel or Attorney on his behalf.

That if upon the day and at the hour and place appointed in and by the Summons hereinbefore mentioned for such Information or Complaint to be heard, tried, and determined, the Defendant shall not appear when called, the Constable or other Peace Officer who shall have served him with the Summons on that behalf, shall make Oath of the manner in which he served the said Summons; and on the Justices then present being satisfied and of opinion that such service was a good service, and made in reasonable time and not less than forty-eight hours before the time in such Summons appointed for such Defendant to appear to the same, such Justices may, if they think fit, issue their Warrant to apprehend such Defendant in the manner hereinbefore mentioned, and shall adjourn the hearing of the Information or Complaint until the Defendant shall be apprehended; and when such Defendant shall afterwards be apprehended under such Warrant, he shall be brought up before such Justices, or before any other two Justices, who shall thereupon, if necessary, adjourn the hearing of the said Information or Complaint to some future day, and in the meantime remand such Defendant by Warrant to the Common Gaol, or to any other the nearest legal place of confinement; or if such Justices shall think fit verbally, to the custody of the Constable or Peace Officer by whom such Defendant may have been apprehended, or to such other safe custody as such Justices shall deem fit, and order such Defendant to be brought up before such Justices, or any other two Justices as shall then be there, and of which said order the Prosecutor or Complainant shall have due notice; or such Justices may, except in any case of Larceny, or of embezzlement, or of obtaining money or any goods or chattels under false pretences, or of the receiving stolen goods, or in any other case which before the passing of any Statute or of any Act of the said Legislature giving summary jurisdiction to Justices of the Peace to hear, try, and determine, may be by Law a Felony, proceed *ex parte* to hear, try, and determine such Information or Complaint, and to adjudicate thereon as fully and effectually to all intents and purposes as if the person so summoned had personally appeared before them in obedience to such Summons; and if upon the day and at the hour and place so appointed as aforesaid, the Defendant so summoned as aforesaid shall attend voluntarily in obedience to the Summons in that behalf served upon him, or shall be brought up before any two Justices then there by virtue of any Warrant to apprehend, then if the Prosecutor or Complainant having had such notice as aforesaid do not appear personally, or by his Counsel or Attorney, such Justices shall dismiss such Information or Complaint, unless for some reason they shall think proper to adjourn the hearing of the same unto some other future day upon such terms as such Justices shall think fit, in which case such Justices may in the meantime remand the Defendant so summoned before them as hereinbefore mentioned, or discharge him upon his entering into a recognizance, with or without any surety or sureties, at the discretion of such Justices, conditioned for his appearance at the time and place to which such hearing shall be so adjourned; *Provided also*, That in cases in which such Defendant shall be discharged upon recognizance as aforesaid, and shall not afterwards appear at the time and place in such recognizance mentioned, the condition of such recognizance shall be forfeited, and the sums so forfeited may be proceeded for and recovered in the manner hereinafter mentioned; but both parties may appear either personally or by their respective Counsel or Attorneys; or, if only the Defendant shall personally appear, and the Prosecutor or Complainant shall appear by his Counsel or Attorney before the Justices who are to hear, try, and determine any such Information or Complaint, then the said Justices shall proceed to hear, try, and determine the same.

That if any person be taken into custody without a Warrant by any Constable or other Peace Officer who shall charge such person with having committed any Petty Misdemeanour, or any Petty Offence or other offence, or if any person be so taken into custody by any Constable or other Peace Officer on the charge of any other person either for any petty Misdemeanour or any Petty Offence or other offence, or shall have been so taken into custody by

If the Defendant does appear, and the Prosecutor or Complainant does not, the Justices may dismiss the Information or Complaint, or adjourn the hearing and take the Recognizance of the Defendant.

Proviso.

As to the forfeiture of the condition of the Recognizance.

If parties appear, the Justices may hear, try, and determine; or if only the Defendant appears, and the Prosecutor, &c., appears by Counsel, &c.

CL. XXVII.

If any person be brought up on a charge, such charge to be proceeded with in the same manner as if such person had been

such other person or who may have been caused to have been so taken into custody by such other person, and charged with having committed any Petty Misdemeanour, or any Petty Offence, or other Offence, and such person so charged be brought up in custody before any two or more Justices, any such charge shall be proceeded with as hereinbefore last mentioned in the same manner to all intents and purposes as if such Defendant had been brought up in custody by virtue of a Warrant to apprehend after due service upon him of such Summons as aforesaid.

That whenever the Defendant shall be present at such hearing, the substance of such Information, or Complaint, or Charge, shall be stated to him by one of the Justices then there, and he shall then be asked if he have any cause to show why he should not be convicted, or why an Order should not be made against him, as the case may be; and if he thereupon admit the truth of such Information, or Complaint, or Charge, and show no cause or no sufficient cause why he should not be convicted, or why an Order should not be made against him, as the case may be, then the Justices present at such hearing shall convict him or make an Order against him accordingly; but if he do not admit the truth of such Information, or Complaint, or Charge as aforesaid, then such Justices shall proceed to hear the Prosecutor or Complainant, and such Witnesses as he may examine, and such other evidence as he may adduce in support of his Information, or Complaint, or Charge, and also to hear the Defendant, and such Witnesses as he may examine, and such other evidence as he may adduce in his defence, and also to hear such Witnesses as the Prosecutor or Complainant may examine in reply, if the Defendant shall have examined any Witnesses or given any evidence other than as to his general character; but the Prosecutor or Complainant shall not be entitled to make any observations in reply upon the evidence given by the Defendant, nor shall the Defendant be entitled to make any observations in reply upon the evidence given by the Prosecutor or Complainant in reply as aforesaid; and the said Justices having fully heard that which each party shall have to say as aforesaid, and the Witnesses and evidence so adduced, shall consider the whole matter and determine the same, and shall convict or make an order upon the Defendant, as the case may be; and if they convict or make an Order against the Defendant, a Minute or Memorandum thereof shall then be made, for which no fee shall be paid, and the conviction or Order, if required either by Prosecutor, Complainant, or Defendant, at the expense of such Prosecutor, Complainant, or Defendant, as the case may be, shall afterwards be drawn up by the said Justices in proper form under their hands and seals, and they shall cause the same to be lodged with the Clerk of the Crown, to be by him, on the payment of One Shilling, filed among the Records of the Court of Grand Sessions of the Peace, or if such Justices shall dismiss such Information, or Complaint, or Charge, it shall be lawful for such Justices, if they shall think fit, on being required so to do, to make an Order of Dismissal, and shall give the Defendant in that behalf a Certificate thereof, which said Certificate afterwards, upon being produced, without further proof shall be a bar to any subsequent Information, or Complaint, or Charge, for the same matters respectively against the same person: *Provided always*, That if the Information or Complaint in any such case shall negative any exemption, exception, proviso, or condition in the Statute or in the Act of the said Legislature on which the same shall be framed, it shall not be necessary for the Prosecutor or Complainant in that behalf to prove such negative, but the Defendant may prove the affirmative in his defence if he would have advantage of the same.

That before or during any such hearing of any such Information, or Complaint, or Charge, it shall be lawful for any one Justice, if before the hearing, or for the Justices present during the hearing, in his or their discretion to adjourn the hearing of the same to a certain time and place to be then appointed and stated in the presence and hearing of the party or parties, or their respective Counsel, or Attorneys, or Agents then present, and in the meantime such Justice or Justices may suffer the Defendant to go at large or may commit the Defendant by Warrant to the Common Gaol, or to any other the nearest legal place of confinement, as the said

No. 101.
15th May, 1854.

brought up by Warrant.

CL. XXVIII.
Proceedings on the hearing of Informations, or Complaints, or Charges.

Proviso.
As to the proof of any exemption, &c., in Statute or Act upon which Information or Complaint shall be framed.

CL. XXIX.
Justices may adjourn the hearing of any Information, &c., and in the meantime may allow Defendant to go at large, or may remand him, or Defendant may enter into a recognizance to appear.

No. 101.
15th May, 1854.

Justice or Justices shall think fit, or shall discharge such Defendant upon his entering into a recognizance, with or without Sureties also in the discretion of such Justice or Justices, conditioned for the appearance of such Defendant at the time and place to which such hearing or further hearing shall be adjourned; and if at the time and place to which such hearing or further hearing shall be so adjourned either or both of the parties shall not appear personally, or by his or their Counsel or Attorneys respectively before the said Justice or Justices, or such other Justices as shall then be there, it shall be lawful, if before such hearing, for any Justice then present to dismiss such Information, or Complaint, or Charge, or for any two Justices then there, except in any case of Larceny or embezzlement, or of obtaining money or any goods or chattels under false pretences, or of the receiving stolen goods, or in any other case which before the passing of any Statute or of any Act of the said Legislature giving summary jurisdiction to Justices of the Peace to hear, try, and determine, would be by law a Felony, and the Defendant be not then present, to proceed to such hearing or such further hearing as if such party or parties were then present: or if the Prosecutor or Complainant shall not appear, any Justice then present may again further adjourn such hearing or such further hearing, or any two Justices may dismiss such Information, or Complaint, or Charge, with or without costs, or proceed to such hearing or such further hearing as to such Justices shall seem fit: *Provided always*, That if the Defendant so discharged upon Recognizance as aforesaid shall not afterwards appear at the time and place in such Recognizance mentioned, the conditions of such Recognizance shall be forfeited, and the sums so forfeited may be proceeded for and recovered in the manner hereinafter mentioned; *And provided always*, That if any person be taken into custody and brought up before any two or more Justices as hereinbefore mentioned, on any Information, Complaint, or Charge, and the same be not supported by evidence sufficient either for such Justices to remand or to compel such person to give bail, but if it appear to such Justices that such person has been guilty of any Felony or Indictable Misdemeanour, or other indictable offence, or any Petty Misdemeanour, such Justices may in their discretion remand such person for such time as may be necessary for such inquiry to be made in respect to such Felony or Indictable Misdemeanour, or other indictable offence, or to such Petty Misdemeanour.

Proviso.
As to the forfeiture of the condition of the Recognizance.

Proviso.
If any person be brought up in custody, and the evidence not sufficient to remand, or compel bail; but if it appears such person has been guilty of any other offence, the Justices may remand.

CL. XXX.
If any Defendant be permitted to go at large, or be discharged, and do not appear at the hearing, &c., a Warrant may issue to apprehend him.

That in all cases in which the Defendant shall be permitted to go at large as aforesaid, or be discharged as hereinbefore mentioned upon entering into any such recognizance as aforesaid with or without any surety or sureties, and such Defendant shall not appear at the time and place to which the hearing or the further hearing of any such Information, or Complaint, or Charge may be adjourned to some future day as aforesaid, it shall be lawful for either of the Justices present at the time and place so appointed to issue a Warrant to apprehend such Defendant and to cause him to be brought before such Justice and any other Justice, or before any other two Justices, to answer to such Information, or Complaint, or Charge, and to be further dealt with according to Law.

CL. XXXI.
As to the forms of Convictions and Orders.

That in all cases of Summary Conviction for any Petty Misdemeanour or Petty Offence, or other offence, made by any two or more Justices by virtue of any Statute now or hereafter to be in force within the said Government, in which there is or may be no form of conviction set forth, and in all cases of Summary Conviction for any Petty Misdemeanour or Petty Offence, or other offence, made by any two or more Justices by virtue of any Act of the said Legislature now or hereafter to be in force within the said Government, whether any particular form of conviction is or not, or may or not, be given in any such Act, it shall be lawful for any such Justices who shall so convict to draw up such conviction in such one of the forms of conviction as may be framed according to the provisions of this Act, and as hereinafter mentioned, or to the like effect, as shall be most applicable to the conviction made by such Justices; and in all cases of any summary order on the matter of any Complaint made by any two or more Justices by virtue of any Statute now or hereafter to be in force within the said Government

in which there is or may be no form of Order set forth, and in all cases of any Summary Order on the matter of any Complaint made by any two or more Justices by virtue of any Act of the said Legislature now or hereafter to be in force within the said Government, whether any particular form of Order is or not, or may or not be given in any such Act, it shall be lawful for any such Justices making such Order to draw up such Order in such one of the forms of Order as may be framed according to the provisions of this Act as herein-after mentioned or to the like effect as shall be most applicable to the Order.

That in all cases of Summary Conviction or of Orders made by any two or more Justices, it shall be lawful for such Justices in their discretion to adjudge and order in and by such Conviction or Order that the Defendant shall pay to the Prosecutor or Complainant respectively such costs as to such Justices shall appear just and reasonable in that behalf, and in cases in which such Justices, instead of convicting or making an Order as aforesaid, shall dismiss the Information or Complaint or Charge, it shall be lawful for such Justices, in their discretion, in and by their Order of Dismissal to adjudge and order that the Prosecutor or Complainant respectively shall pay to the Defendant such costs according to the Schedule of Fees hereunto annexed as to such Justices shall seem just and reasonable; and the sums so allowed for costs shall in all cases be specified in such Conviction or Order of Dismissal as aforesaid, and the same shall be recoverable in the same manner and under the same Warrants as any penalty or fine or forfeiture, or sum of money adjudged and ordered to be paid in and by such Conviction or Order is to be recoverable: *Provided always*, That such costs may be ordered to be paid as aforesaid on any such Conviction or Order made by such Justices by virtue of the provisions of any Statutes or of any Acts of the said Legislature now or hereafter to be in force within the said Government, although there may be no docket or tables of fees in such Statutes or in such Acts, in the same manner as costs may be ordered to be paid under and by virtue of this Act and to the like amount: *And provided also*, That if an Interpreter be required, that the Prosecutor or Complainant or Defendant by whom such Interpreter may be required shall in the first instance pay the expense incurred by his attendance, and such expense shall be costs on the hearing the Information or Complaint or Charge in which such Interpreter may be required, but such costs shall not exceed the sum of Five Shillings on the hearing of any one Information or Complaint or Charge, and shall not exceed the sum of Two Shillings and Sixpence on any attendance before any Justice for any other purpose than the hearing any Information or Complaint or Charge.

That Two Justices at the least shall be present and act together during the whole of the hearing of any Information or Complaint or Charge, and at the time of any Conviction or Order being made thereon, and if the same two Justices at the least cannot be present and act together as aforesaid, the hearing of the Information or Complaint or Charge shall be begun *de novo*: *Provided nevertheless*, That in all cases in which by any Statute now or hereafter to be in force within the said Government, or by any Act of the said Legislature now in force within the said Government, any One Justice is duly authorized to hear, try, and determine any Information or Complaint or Charge, any one Justice shall still be authorized to hear, try, and determine any such Information or Complaint or Charge; anything in this Act in any way to the contrary notwithstanding.

And with respect to the Procedure subsequent to the summary hearing of any Information or Complaint or Charge:—Be it enacted, That the punishment, on conviction, for a Petty Misdemeanour shall be, unless specifically mentioned, the payment of a Penalty not exceeding the sum of Five Pounds, or imprisonment, with or without hard labour, for any time not exceeding the period of three months, or both these modes of punishment; and for the nonpayment of the Costs of conviction, if ordered, the Defendant shall be liable to be imprisoned for any time not exceeding the period of one month; and it shall be lawful for any two or more Justices by whom any Defendant shall be convicted of any Petty Misdemeanour to order the Defendant to pay the Penalty imposed and the Costs of conviction, if ordered either at

No. 101.
15th May, 1854.

CL. XXXII.
Justices may order the payment of costs, either to the Prosecutor, or the Complainant, or the Defendant.

Proviso.
As to costs being ordered to be paid under Statutes or Acts.

Proviso.
As to the costs of an Interpreter when required.

CL. XXXIII.
Two Justices, at the least, to be present at the hearing of any Information, &c., and at the time of Conviction, &c.

Proviso.
As to cases in which any One Justice may hear, try, and determine any Information, of Complaint, or Charge.

Fourth Procedure.

CL. XXXIV.
Punishment of Petty Misdemeanour by the payment of a penalty, or imprisonment, with or without hard labour, or by both modes of punishment.

Justices may give time for payment of penalty.

No. 101.
15th May, 1854.

Justices may forth-
with imprison.

Justices may order the
payment of a penalty
and imprison.

Justices may order
the payment of com-
pensation, or amends;
and, in default of
payment, further im-
prisonment.

CL. XXXV.
Punishment of Petty
Offences, or other
Offences, by Fine, or
Imprisonment, or both.

Justices may give
time for payment of
Fine.

the time of conviction or at such other time as such Justices shall at the time of conviction appoint; and in default of the payment of such Penalty such Defendant shall be imprisoned for such Petty Misdemeanour, with or without hard labour, for such time as such Justices shall at the time of conviction appoint and shall suffer the imprisonment; and in default of the payment of the Costs such Defendant shall also be imprisoned for such time as such Justices shall at the time of conviction appoint, unless such costs be sooner paid; and if the Defendant be imprisoned for such Petty Misdemeanour, such imprisonment for Costs shall commence at the termination of the imprisonment for such Petty Misdemeanour, or in the discretion of such Justices the Defendant so convicted may forthwith be imprisoned for such Petty Misdemeanour, with or without hard labour, for such time as such Justices shall at the time of conviction appoint, and be ordered forthwith to pay the Costs only; and in default of the payment of the Costs so ordered such Defendant shall also forthwith be imprisoned for such further time as such Justices shall at the time of conviction appoint unless such costs be sooner paid, and such imprisonment for Costs shall commence at the termination of the imprisonment for such Petty Misdemeanour, or, in the discretion of such Justices, the Defendant so convicted may be ordered forthwith to pay such Penalty and Costs, and be imprisoned for such Petty Misdemeanour, with or without hard labour, for such time as such Justices shall at the time of conviction appoint; and in all such cases such Justices shall at the time of such conviction also further order that if such Penalty be not paid before or at the termination of such imprisonment for such Petty Misdemeanour such Defendant shall be imprisoned, with or without hard labour, for such further time as such Justices shall at the time of such conviction appoint, not exceeding one half the period of time for which such Defendant may be so imprisoned for such Petty Misdemeanour; and in default of the payment of Costs so ordered such Defendant shall also forthwith be imprisoned for such further time as such Justices shall at the time of conviction appoint, unless such Costs be sooner paid, and such imprisonment for Costs shall commence at the termination of the imprisonment or further imprisonment for such Petty Misdemeanour, as the case may be; and if such Justices at the hearing of any such Information or Charge as aforesaid shall have the authority and shall order the payment of any sum of money by the Defendant to the Prosecutor by way of compensation or amends, [and if] such sum of money [be] not paid at the same time as such Penalty and Costs, or Costs only, as it may be, it shall be lawful for such Justices to commit such Defendant to the said Gaol for such further time as such Justices shall also at the time of such conviction appoint, not exceeding the period of three months, and to order that such further imprisonment shall commence after the termination of the imprisonment for the nonpayment of the Penalty, or of the imprisonment or further imprisonment for such Petty Misdemeanour as the case may be, unless such sum of money be sooner paid; and that in such case the imprisonment for Costs, if unpaid, shall commence after the termination of the imprisonment for the nonpayment of such sum of money by way of compensation or amends.

That the punishment, on conviction for a Petty Offence, or other Offence, shall be, unless otherwise specifically mentioned, the payment of a Fine not exceeding the sum of Five Pounds, or imprisonment for any time not exceeding the period of three months, or both these modes of punishment; and for the nonpayment of the costs of conviction, if ordered, the Defendant shall be liable to be imprisoned for any time not exceeding the period of one month: and it shall be lawful for any two or more Justices by whom the Defendant shall be convicted for any Petty Offence or other Offence to order the Defendant to pay the Fine imposed and the Costs of conviction, if ordered, either at the time of conviction or at such other time as such Justices at the time of conviction may appoint; and in default of the payment of such Fine, such Defendant shall be imprisoned for such Petty Offence or other Offence for such time as such Justices shall at the time of conviction appoint, unless such Fine and Costs be sooner paid; and in default of the payment of the Costs such Defendant shall also be imprisoned for such time

as such Justices shall at the time of conviction appoint, unless such Costs be sooner paid; and such imprisonment for Costs shall commence, if the Fine be paid in gaol, at the time of such payment, and if the Fine be not paid in gaol, then at the termination of the imprisonment for such Petty Offence or other Offence, as the case may be; or, in the discretion of such Justices, the Defendant so convicted may forthwith be imprisoned for such Petty Offence or other Offence for such time as such Justices shall at the time of conviction appoint, and be ordered forthwith to pay the Costs only; and in default of the payment of the Costs so ordered, such Defendant shall also forthwith be imprisoned for such further time as such Justices shall at the time of conviction appoint, unless such Costs be sooner paid; and such imprisonment for Costs shall commence at the termination of the imprisonment for such Petty Offence or other Offence; or, in the discretion of such Justices, the Defendant so convicted may be ordered forthwith to pay such Fine and Costs, and be imprisoned for such Petty Offence or other Offence for such time as such Justices shall at the time of conviction appoint; and in all such cases such Justices shall at the time of conviction also further order that if such Fine be not paid before or at the termination of such imprisonment for such Petty or other Offence, such Defendant shall be imprisoned for such Petty Offence or other Offence for such further time as such Justices shall at the time of such conviction appoint, not exceeding one half the period of time for which such Defendant may be so imprisoned for such Petty Offence or other Offence; and in default of the payment of the Costs so ordered such Defendant shall also forthwith be imprisoned for such further time as such Justices shall at the time of conviction appoint, unless such Costs be sooner paid; and such imprisonment for Costs shall commence at the termination of the imprisonment or further imprisonment for such Petty Offence or other Offence, as the case may be; and if such Justices, at the hearing of any such Information or Charge as aforesaid, shall have authority and shall order the payment of any sum of money by the Defendant to the Prosecutor by way of compensation or amends, [and if] such sum of money [be] not paid at the same time as such Penalty and Costs, or Costs only, as it may be, it shall be lawful for such Justices to commit such Defendant to the said Gaol for such further time as such Justices shall at the time of such conviction appoint, not exceeding the period of three months, and to order that such further imprisonment shall commence after the termination of the imprisonment for the nonpayment of the Fine or of the imprisonment or further imprisonment for such Petty Offence or other Offence, as the case may be, unless such sum of money be sooner paid; and that in such case the imprisonment for Costs, if unpaid, shall commence after the imprisonment for nonpayment of such sum of money by way of compensation or amends.

That in all cases in which any Defendant shall be convicted of any Petty Misdemeanour or Petty Offence or other Offence as aforesaid, and the Justices in their discretion shall, at the time of conviction, appoint some other time for the payment of the Penalty and Costs and compensation or amends, or the Fine and Costs and compensation or amends, it shall be lawful for such Justices, in their discretion, either to suffer the Defendant to go at large, or such Justices may discharge such Defendant upon his entering into a Recognizance, with or without a surety or sureties also in the discretion of such Justices, conditioned for the appearance of such Defendant at the time and place appointed for the payment of such Penalty and Costs and compensation or amends, or such Fine and Costs and compensation or amends; and if the Defendant so discharged upon such Recognizance as aforesaid shall not afterwards appear at the time and place in such Recognizance mentioned, the condition of such Recognizance shall be forfeited, and the sums so forfeited may be proceeded for and recovered in the manner hereinafter mentioned, and a Warrant to apprehend and to commit shall forthwith issue against such Defendant for the Petty Misdemeanour or Petty Offence, or other Offence of which the Defendant has been convicted, and for the nonpayment of Costs, or for the Petty Misdemeanour or Petty Offence or other Offence of which the Defendant has been convicted, as the case may be.

No. 101.
15th May, 1854.

Justices may forthwith imprison.

Justices may order the payment of a Fine and imprison.

Justices may order the payment of compensation or amends, and, in default of payment, further imprisonment.

CL. XXXVI.
If Justices give time for the payment of Penalty or Fine, and either is unpaid, the Recognizance, if any, is forfeited, and the Defendant to be forthwith committed.

No 101.
15th May, 1854.

CL. XXXVII.
Punishment for the
nonperformance of
an Order made by
two or more Justices.

That if any two or more Justices shall make an Order on the hearing of any Complaint for the Defendant to do any act or to pay any sum of money to the Complainant, and such act be not done or such sum of money be not paid at such time as such Justices may at the time of making such Order appoint, the punishment for the nonperformance of such Order shall be, unless otherwise specifically mentioned, imprison[ed]ment for any time not exceeding the period of three months, unless such act shall be sooner done or such sum of money be sooner paid; and that for the nonpayment of the Costs of such Order, if ordered, the Defendant shall be liable to be imprisoned for any time not exceeding the period of one month; and it shall be lawful for such Justices, on the hearing of any Complaint, to order such act to be done or such sum of money to be paid and the Costs of the Order, if ordered, either at the time of the making such Order or at such other time as such Justices may at the time of making such Order appoint; and in default of the doing of such act, or of the payment of such sum of money, such Defendant shall be imprisoned for the disobedience of such Order for such time as such Justices shall at the time of the making such Order appoint, unless such act be sooner done or such sum of money be sooner paid; and in default of the payment of Costs, such Defendant shall also be imprisoned for such time as such Justices shall at the time of making such Order appoint unless such costs be sooner paid; and such imprisonment for Costs shall commence, if the act be done after such Defendant shall be in Gaol or if the sum of money be paid in Gaol, either at the time of such act being done or the sum of money being paid in Gaol; and if the act be not done after such Defendant shall be in Gaol or such sum of money be not paid in Gaol, then at the termination of the imprisonment for the disobedience of such Order, as the case may be.

Preamble.

Whereas in some of the Acts of the said Legislature giving summary jurisdiction to Justices of the Peace offences are created, and Justices of the Peace are thereby authorized on conviction before them to impose on the offenders certain Penalties, Fines, and Forfeitures, or to order the payment of sums of money, either as compensation or amends, to the party aggrieved or otherwise: *And whereas* the mode of procedure for the recovery of such Penalties, Fines, or Forfeitures, or sums of money, is either not pointed out in some of such Acts, or if directed to be enforced by levy on the goods and chattels of the offender, such offender in default of goods and chattels is not liable to imprisonment, by means of which defects many offenders entirely escape punishment, and the administration of summary justice is brought into disrespect and contempt: *Be it enacted*, That in any case in which any offence is created by any Act of the said Legislature now or hereafter to be in force within the said Government, and for the commission of which any person may be convicted before any Justice or Justices of the Peace, and for which any Penalty, Fine, or Forfeiture may be imposed, or a sum of money ordered to be paid either as compensation or amends to the party aggrieved or otherwise, and for the recovery of which no special mode of procedure is pointed out, or in which such mode may in any way be insufficient either in default of payment by such offender, or in default of the goods and chattels of such offender not being sufficient to satisfy any Warrant of Distress which may issue after the conviction of any such offender, it shall be lawful for any Justice of the Peace, or any two Justices of the Peace, according to the provisions of this Act, to adopt the mode of procedure directed by this Act, or so much as may be necessary; and in all cases, either in default of payment by such offender or in default of sufficient goods and chattels of such offender to satisfy any Warrant of Distress authorized by any such Act to be issued, that two Justices of the Peace may imprison such offender in the Common Gaol of the said Government for any time not exceeding the period of six months, with or without hard labour, or may order the payment of the Penalty, Fine, Forfeiture, or sum of money ordered to be paid either as compensation or amends to the party aggrieved or otherwise, and such imprisonment; and such offender shall be liable to be proceeded against in order to recover from him any Penalty, Fine, or Forfeiture, if imprisoned or unpaid, or any sum of money, or compensation or amends or costs to be paid by virtue of the

CL. XXXVIII.
Authority for Justices
to adopt the mode of
Procedure under this
Act in cases under
other Acts in which
no mode is pointed
out, &c., and to im-
prison in such cases in
default of payment of
Penalty, &c.

provisions of any such Act in the same manner as he might have been proceeded against according to the provisions of this Act, and as if any such Act and this Act were one and the same Act.

That in all cases of summary proceedings before a Justice or Justices of the Peace upon any Information or Complaint or Charge as aforesaid, it shall be lawful for one Justice to receive such Information or Complaint or Charge, and to grant a Summons or Warrant thereon, and to issue a Summons or Warrant to compel the attendance of any Witnesses, or to adjourn the hearing or re-hearing of any case, as hereinbefore mentioned, and to do all other necessary acts and matters preliminary to the hearing or re-hearing of any such Information or Complaint or Charge, even in cases in which by any Act of the said Legislature in that behalf such Information or Complaint or Charge must be heard, tried, and determined by two or more Justices; and after any such case shall have been so heard, tried, and determined, one Justice may issue all Warrants of Commitment, and it shall not be necessary that the Justice who so acts before or after any such hearing shall be the Justice or one of the Justices by whom any such case shall be heard, tried, and determined.

That all Penalties, Fines, Forfeitures, Fees, and other sums of money which shall be recovered, levied, or received by any Justice or Justices in pursuance of any Conviction or Order made by any one, two, or more Justices, or of any Process or Warrant issued by any Justice or Justices by virtue of any Statute or of any Act of the said Legislature now in force, or of any Statute or of any such Act hereafter to be in force within the said Government, shall be paid, unless otherwise directed, by the Justice or Justices who shall receive the same to the said Treasurer for the public uses of the said Government; and all Penalties, Fines, Forfeitures, Costs, and other sums of money paid by persons committed to the said Gaol by any Justice or Justices shall be paid to the said Gaoler, and, unless otherwise directed, shall be by him paid to the said Treasurer, also for the public uses of the said Government.

That whenever it shall so happen that any two or more Informations are laid, or any two or more Complaints or Charges are made by one and the same Prosecutor or Complainant or by any number of different Prosecutors or Complainants against one and the same Defendant, and that such Informations, Complaints, or Charges are to be heard, tried, and determined on the same day, or on the same day and before a former conviction or order against such Defendant has been enforced, and that any two or more Justices shall convict such Defendant on any one of them, or make an order for such Defendant to do any act or to pay a sum of money, as it may be, and the Prosecutor or Complainant of any one or more of any or either of any of such Informations, Complaints, or Charges afterwards wishes to proceed on the Information laid or Complaint or Charge made by him against such Defendant such Justices may proceed and hear, try, and determine any one or more of any or either of any such Informations, Complaints, or Charges successively, and may in like manner convict such Defendant on any one or more of any or either of any of such Informations or Charges, or make an order for such Defendant to do any act or to pay a sum of money on any one or more of any or either of any such Complaints or Charges successively as it may be; and upon any such conviction or order, if any such Defendant be ordered to be committed or be committed, the Prosecutor or Prosecutors, Complainant or Complainants, as the case may be, according to the priority of each conviction or order, may take such proceedings as may be necessary to enforce each conviction or order, and every Warrant of Commitment and every Warrant of Distress shall be forthwith delivered to the persons to whom they shall be directed, and every Warrant of Commitment shall be forthwith afterwards delivered to the Gaoler to whom they shall also be directed as aforesaid; and it shall be lawful for the Justice or Justices issuing the same, if he or they think fit, to make an order in each of them therein and thereby that the imprisonment after any one Petty Misdemeanour or petty offence or other offence, or for the nonperformance of any act, or for the nonpayment of any sum of money shall commence at the termination of the imprisonment to which such Defendant shall have been

No. 101.
15th May, 1854.

CL. XXXIX.
In all cases of Summary Proceedings, one Justice may issue a Summons, or Warrant, &c., and, after Conviction or Order, may issue Warrant of Commitment or of Distress, &c.

CL. XL.
Justices to pay all Penalties, &c., received by them to the Treasurer for the public uses of the said Government.

And the Gaoler also to pay all Penalties, &c., received by him to the Treasurer for the public uses of the said Government.

CL. XLI.
When two or more Informations are laid against one and the same Defendant, the manner in which they are to be heard, and the Convictions, or Orders enforced.

No. 101.
15th May, 1854.

Proviso.
As to the priority in which Convictions, &c., may be enforced.

CL. XLII.
Imprisonment for a subsequent Petty Misdemeanour, &c., to commence at the expiration of the imprisonment for any previous Petty Misdemeanour, &c.

CL. XLIII.
If Defendant be acquitted on Information, &c., or Complaint, &c., be dismissed, and Costs ordered to be paid, Prosecutor or Complainant may be imprisoned for one month.

CL. XLIV.
On payment of Penalty, &c., to the Constable, &c., execution of Warrant to cease.

And if Penalty, &c., paid in Gaol, the person committed to be discharged, if in custody for no other matter.

previously adjudged or ordered, so as to enable such Prosecutor or Prosecutors, Complainant or Complainants to enforce successively the convictions or orders obtained by him or them; *Provided always*, That the priority hereinbefore mentioned shall be such only as to prevent a subsequent conviction or order being enforced before a prior conviction or order if the Prosecutor or Complainant of such prior conviction or order takes the necessary proceedings at the proper time for so doing and thereby prevents the possibility of mistake or delay.

That whenever one, two, or more Justices shall upon any such Information or Complaint or Charge as aforesaid adjudge or order the Defendant to be imprisoned, and such Defendant shall, before any Warrant of Commitment shall issue in respect to any such Information or Complaint or Charge, be in Prison undergoing imprisonment upon a conviction for any other Petty Misdemeanour, or petty offence, or other offence, or for nonpayment of any sum of money, the Warrant of Commitment for such subsequent Offence or Warrant of Distress for the nonpayment of any such sum of money shall in every such case be forthwith delivered to the person to whom it shall be directed, and the Warrant of Commitment shall be forthwith afterwards delivered to the Gaoler to whom it shall also be directed as aforesaid, and it shall be lawful for the Justice or Justices issuing the Warrant of Commitment, if he or they shall think fit, to make an Order therein and thereby that the imprisonment for such subsequent Petty Misdemeanour, or petty offence, or other offence, or for the nonpayment of any such sum of money, shall commence at the termination of the imprisonment to which such Defendant shall have been previously adjudged or ordered.

That whenever any Defendant shall be acquitted on any Information or Charge, and an Order shall be made for the payment of Costs as aforesaid by the Prosecutor to such Defendant, or any Complaint or Charge shall be dismissed, and an Order shall be made for the payment of Costs as aforesaid by the Complainant to such Defendant, it shall be lawful for such Justices further to order that, if the Costs so ordered be not paid at the time of any such Order being made or at such other time as such Justices may appoint, such Prosecutor or Complainant be imprisoned for any time not exceeding one month unless the Costs so ordered be sooner paid.

That whenever any Warrant of Commitment or Warrant of Distress shall be issued by any Justice or Justices against any person for the nonpayment of any Penalty, Fine, Forfeiture, Costs, or other sum of money, or for any sum of money by way of compensation or amends, and such person shall pay or tender to the Constable or other Peace Officer having the execution of the same the sum or sums of money in any such Warrant mentioned, together with the further Costs, Charges, and Expenses, if any, on any Warrant of Distress subsequent to the issue of such Warrant of Distress up to the time of such payment or tender, such Constable or other Peace Officer shall cease to execute the same, and may receive the sum or sums of money in any such Warrant mentioned, together with the further Costs, Charges, and Expenses; and such Constable or other Peace Officer shall indorse such receipt upon the Warrant of Commitment or Distress, and shall forthwith pay over the same to the Justice or Justices by whom any such Warrant was issued; and in all cases in which any such person shall be committed to the said Gaol for the nonpayment of any Penalty, Fine, Forfeiture, Costs, or other sum of money, or for any sum of money by way of compensation or amends, such person may pay or cause to be paid such sum or sums in any Warrant of Commitment mentioned, together with such further Costs, Charges, and Expenses to the Keeper of the said Gaol, and such payment shall be deemed and taken to be, as to any such person, a payment to the Treasurer for the public uses of the said Government, or to the Prosecutor, or Complainant, or Defendant, or other person entitled by the Warrant of Commitment to receive the same, as the case may be; a Receipt of which said sum or sums, together with such further Costs, Charges, and Expenses shall be indorsed by such Gaoler on the said Warrant of Commitment, and the said Gaoler shall thereupon discharge such Defendant if he be in his custody for no other matter.

That in all cases of Summary Proceedings in which any one, two, or more Justices shall impose any Penalty, Fine, or Forfeiture upon any person, or shall order the payment of any Costs or other sums of money by any person, and any such Penalty, Fine, or Forfeiture, or Costs, or other sum of money, is or are by any Statute now or hereafter to be in force within the said Government to be paid to any other person than the person aggrieved, or is or are by any Act of the said Legislature now or hereafter to be in force within the said Government to be paid to the said Treasurer for the public uses of the said Government, and that such Justices shall order any such Penalty, Fine, or Forfeiture, or Costs, or other sum of money at the time of Conviction or Order being made to be paid at such other time as such Justices shall appoint, and such Penalty, Fine, or Forfeiture, or Costs, or other sum of money shall not be paid at the time so appointed by such Justices, it shall be lawful for such Justices, or for any other Justice or Justices, at the next sitting of any two or more Justices, and such Justice or Justices at such sitting are hereby required, without any application by the Prosecutor, or Complainant, Defendant, or other person, to issue a Warrant of Commitment as hereinbefore mentioned against the person upon whom any such Penalty, Fine, or Forfeiture has been imposed, or who has been so ordered to pay such Costs or other sum of money.

That it shall be lawful for the Governor, on the part of Her Majesty, to extend her Royal mercy to any person imprisoned by virtue of any Conviction before any one, two, or more Justices, by the release of such person from imprisonment without any formal Pardon under the Great Seal, although such person shall be imprisoned for the nonpayment of money to some person other than the Crown, or to be paid to the said Treasurer for the public uses of the said Government; but such Pardon and Release shall not operate as any extinguishment of any sum of money due to any other person than the Crown, or to be paid to the said Treasurer for the public uses of the said Government.

That whenever any person shall be Summarily Convicted before any one, two, or more Justices of any Petty Misdemeanour, or petty offence, or other offence punishable upon Summary Conviction by such Justices, and such person shall have paid the Penalty, Fine, Forfeiture, or sum of money adjudged to be paid, together with the Costs ordered to be paid on such Conviction, and the Compensation or Amends, if ordered, or shall have received a remission of any Penalty, Fine, Forfeiture, or sum of money from the Governor on the part of the Crown; or shall have suffered the imprisonment ordered for nonpayment thereof, or the imprisonment adjudged in the first instance; or shall have been discharged from his Conviction in the manner hereinafter mentioned; or shall have been released from imprisonment by the Governor as aforesaid; in every such case, except in the cases for the nonpayment of any sum of money other than to the Crown or to be paid to the said Treasurer for the public uses of the said Government herein specifically provided for, he shall be released from, and the same shall be a bar to, all further or other proceedings for the same cause.

That any Prosecutor, Complainant, or Defendant, or his Counsel or Attorney shall at any time, in any case in which he is a party, on application for that purpose and on payment for the same, have and receive from the Justice or Justices in whose possession the original may be, Copies of any Information, Complaint, Charge, Summons, Warrant, Recognizance, Evidence, Conviction, Order, Warrant of Distress, Detainer, Commitment, or any other Proceedings whatever taken by or had before any Justice or Justices of the Peace in such case.

Whereas it would greatly facilitate the Justices of the Peace in the execution of their duties, and secure to the Public a more certain and convenient mode of carrying out the Convictions and Orders of the Justices, if the Forms of Procedure were framed under the authority of this Act: *Be it enacted*, That it shall be lawful for the Governor, by and with the advice of the Privy Council, to frame, or cause to be framed such Forms of Procedure to be used by the Justices of the Peace in the execution of their duties as

No. 101.
15th May, 1854.

CL. XLV.
If any Penalty, &c., imposed, or sum of money ordered to be paid, and not paid at the time appointed, the Justice to issue a Warrant of Commitment.

CL. XLVI.
The Governor may release any person from imprisonment for nonpayment of money other than to the Crown, but such pardon to be no extinguishment of money due to any other person.

CL. XLVII.
Summary Conviction to be a bar to any other proceedings for the same cause, except when any person is released from his imprisonment, and money due to any other person.

CL. XLVIII.
Prosecutor, &c., at any time to have copies of any Information, &c., or any other proceeding whatever.

Preamble.

CL. XLIX.
The Governor, by and with the advice of the Privy Council, to frame Forms of Procedure.

No. 101.
15th May, 1854.

shall be best applicable to the provisions of this Act; and the Governor, by and with such advice as aforesaid, may, from time to time as occasion may require, add to or alter such other Forms, or frame such other Forms, or add to or alter such other Forms as may be found necessary or advisable for the more certain and convenient administration of Summary Justice; and such Forms shall have at the top, whether printed or otherwise, the words "By the authority of 'The Summary Procedure Act, 1853;'" and all such original Forms when so framed shall be signed by the Governor in Council; and the Governor shall deposit the same or cause the same to be deposited in the Office of the Secretary of the said Island of St. Vincent; and all such Forms shall then from time to time have the same force and effect as if the same were specially set forth and annexed as Schedules to this Act and were incorporated in and formed a part of this Act; and Copies of the several Forms so deposited, to the same or the like purport and effect as those so deposited, shall be deemed good, valid, and sufficient in Law, and shall be supplied by the Governor to the said Justices at the expense of the said Government.

Special powers.

CL. L.
Justices may discharge
Defendant from his
Conviction in certain
cases.

And with respect to certain special powers of Justices of the Peace: Be it enacted, That whenever any Defendant shall be Summarily Convicted before any one, two, or more Justices of any Petty Misdemeanour, or petty Offence, or other Offence, it shall be lawful for such Justices, if they shall think fit, to discharge the Defendant from his conviction upon such Defendant making such compensation or amends to the person aggrieved for Damages and Costs, or either of them, as shall be ascertained by such Justices, and which may appear to them to be just and reasonable; and the Order for the payment of such compensation or amends, and the costs, if ordered, may be enforced in the same manner as an Order for the Defendant to pay a sum of money by way of compensation or amends, and the costs as hereinbefore mentioned.

Preamble.

CL. LI.
Justices may order
compensation or
amends to be paid
for frivolous Informa-
tions, &c.

Whereas it may sometimes happen that Informations may be laid, or Complaints or Charges may be made for the mere sake of gain, or by parties not truly aggrieved, and the Offences therein charged or the matter of complaint therein made not further prosecuted or proceeded with; or it may appear upon the prosecution thereof or proceeding thereon that the same is vexatious or frivolous, or that there was no just and sufficient ground for laying or making the same, *Be it enacted,* That in every case in which any Information shall be laid or Charge made of any Petty Misdemeanour, or petty offence or other offence, or in which any Complaint or Charge shall be made in respect to any matter of complaint before any one, two, or more Justices, and the same shall not be further prosecuted or proceeded with, or in which, if further prosecuted or proceeded with, it shall appear to the Justice or Justices by whom the case shall be heard, tried, and determined that the same was vexatious or frivolous, and that there was no sufficient ground for laying the said Information, or making the Complaint or Charge, the Justice or Justices shall have power to order such compensation or amends, not exceeding the sum of Five Pounds, to be paid by the Prosecutor or Complainant to the Defendant for his loss of time, annoyance, and expenses in the whole matter as to the Justice or Justices shall seem fair and just; and if such compensation or amends be not paid the Defendant may proceed to recover the same in the manner hereinbefore mentioned as in the case of a Summary Order for the payment of any sum of money, and in default of payment or of sufficient distress, such Prosecutor or Complainant shall also be liable to be imprisoned as hereinbefore also mentioned.

Preamble.

CL. LII.
Justices may lessen the
shares of Prosecutor
or Informer.

And whereas by divers Acts of the said Legislature the moiety or other fixed portion of the Penalties, fines, or forfeitures authorized to be recovered are directed to be adjudged to the Informer, and the same may encourage corrupt practices in Common Informers; for the prevention thereof—*Be it enacted,* That whenever by any Act of the said Legislature now in force or here after to be in force within the said Government a moiety or other fixed portion of the Penalty, fine, or forfeiture imposed is or shall be directed to be paid to the Prosecutor or Informer, not being the party aggrieved, it shall be lawful for the Justice or Justices before whom the conviction shall be ob

tained to adjudge that no part, or such part only of the Penalty, fine, or forfeiture as he or they shall think fit, shall be paid to the Prosecutor or Informer.

And whereas by divers Acts of the said Legislature certain limited Penalties, fines, or forfeitures, or terms of imprisonment, are imposed for the commission of offences therein mentioned, and sufficient power is not given to the Justice or Justices before whom the Offender is convicted to reduce or lessen such Penalties, fines, or forfeitures, or terms of imprisonment, whereby much hardship may be experienced: *Be it enacted*, That whenever by any Act of the said Legislature now in force or hereafter to be in force within the said Government a limited Penalty, fine, or forfeiture, or term of imprisonment is imposed on the conviction of an offender before a Justice or Justices of the Peace, it shall be lawful for the Justices before whom such conviction shall be obtained to reduce or lessen such Penalty, fine, or forfeiture, or term of imprisonment, as they may think fit; any Act of the said Legislature to the contrary in anywise notwithstanding.

And with respect to the recovery of forfeited Recognizances: *Be it enacted*, That if any sum of money which any person may be bound to pay by virtue of any Recognizance taken according to the provisions of this Act or of any Act of the said Legislature now or hereafter to be in force within the said Government giving summary jurisdiction to any one, two, or more Justices of the Peace, by any Justice or Justices, or by any Constable shall afterwards become forfeited by the breach of the condition thereof, and in such case the Justice or Justices by whom such Recognizance may have been taken, or any other Justice or Justices who may then be there present at the time of the breach of the condition thereof shall certify on the back of the Recognizance the nonappearance of the person bound or other breach of the condition thereof, and shall transmit such Recognizance so indorsed to the Clerk of the Crown in and for the said Government, to be proceeded upon as hereinafter mentioned, and such certificate shall be deemed sufficient *prima-facie* evidence of the non-appearance of the party bound or other breach of the condition of such Recognizance.

That the Clerk of the Crown or his lawful Deputy shall, and he is hereby required within one month after the return of any such forfeited Recognizance as aforesaid to lay the same before the Chief Justice of the Supreme Court of Judicature of the said Island, or, in the event of his absence the Senior Assistant Justice of the said Supreme Court, and such forfeited Recognizance as aforesaid shall be enforced, recovered, and levied by Warrant under the hand of such Chief Justice or Senior Assistant Justice as aforesaid and under the seal of the said Supreme Court of Judicature, directed to the Provost Marshal of the said Island of St. Vincent and its Dependencies, or his lawful Deputy, commanding him immediately to levy upon the goods and chattels, lands and tenements, of the defaulter or defaulters, and sell the same in the same manner as sales are conducted on executions issuing out of the said Supreme Court of Judicature, to satisfy the said Fines and forfeitures, together with the same Fees and allowances for such levy and sale as are allowed on sales under execution in the said Supreme Court of Judicature; and in case the said Provost Marshal cannot immediately find sufficient goods and chattels, lands and tenements of the said defaulter or defaulters, then to attach the body or bodies of the said defaulter or defaulters and him or them to imprison in the Common Gaol for the following periods, that is to say;—for the space of fourteen days for any sum not exceeding Two Pounds Ten Shillings; twenty-eight days for any sum not exceeding Five Pounds; and so on in like proportion for any greater amount, unless the amount of such forfeited Recognizance be sooner paid: *Provided always*, That before any Warrant for the recovery of any such forfeited Recognizance under this Act shall issue it shall be lawful for the said Chief Justice or Senior Assistant Justice of the said Supreme Court of Judicature to call upon the parties who have entered into such Recognizance, by Rule or Order returnable within four days from the date thereof, to show cause why such Recognizance should not be forfeited.

And with respect to the Fees payable on Summary Proceedings:—*Be it* Fees.

No. 101.
15th May, 1854.

Preamble.

CL. LIII.
Justices may mitigate
fixed Penalties.

Recognizances.

CL. LIV.
Forfeited Recogni-
zances to be indorsed
and forwarded to the
Clerk of the Crown.

CL. LV.
The mode in which
forfeited Recogni-
zances are to be en-
forced by the Provost
Marshal.

Proviso.
As to a Rule or Order
to show cause why
such Recognizances
should not be for-
feited.

No. 101.
15th May, 1854.

CL. LVI.
Fees payable on Summary Proceedings.

CL. LVII.
No other or greater Fee to be demanded, &c., by person appointed by Justices.

Merchant Seamen.
Preamble.

CL. LVIII.
On any Merchant Seaman making a claim for Wages, Justice to make a preliminary inquiry as to the validity of claim.

'Proviso.
As to the name of the port to which the Ship in respect to which any claim for Wages is made is ultimately destined being added to Complaint.

Proviso.
If the Justices refuse to issue a Summons, &c., to give the Seaman a Certificate in which the special grounds of refusal are to be stated.

CL. LIX.
Repeals certain parts of the Act published on the 9th December, 1830, commonly called "Shepherd's Act," and all other Acts inconsistent with this Act.

enacted, That every person taking Summary Proceedings shall pay the Fees payable on such Summary Proceedings according to the Schedule of Fees hereunto annexed; and it shall be lawful for any Justice or Justices to refuse to do any act for which any Fee shall be demandable, unless such Fee shall be first paid.

That no other or greater Fees shall be demanded, received, or taken, than the Fees in the said Schedule mentioned by any Justice or Justices or by any person appointed by him or them to receive the same; and if any other or greater Fee be demanded, and received, or taken by any such Justice or Justices or other person, such Justice or Justices, or other person shall be deemed guilty of extortion and be prosecuted by Indictment and punished accordingly.

And with respect to Complaints by Merchant Seamen in respect to Wages:— Whereas, under some of the Statutes of the Imperial Parliament any Justice, or any two or more Justices of the Peace in and for the said Government may be called on and required to adjudicate on questions arising out of claims made by Merchant Seamen in respect to Wages; and while it is desirable to afford every facility for enforcing just claims, it is at the same time necessary to prevent frivolous or vexatious litigation: *Be it therefore enacted*, That in every case in which any Merchant Seaman shall make any complaint before any Justice or Justices of the Peace in and for the said Government under the provisions of any Statute of the Imperial Parliament now or hereafter to be in force within the said Government for or in respect to Wages alleged or claimed to be due to him, the Justice or Justices before whom any such Complaint shall be made shall, before he shall issue any Summons to the person against whom such Complaint shall be made, and before requiring the appearance of any such person before him or them, examine the Complainant either on Oath or otherwise as to the Justice or Justices shall seem requisite and necessary to inquire into the validity of such allegation or claim; and if on such examination the Justice or Justices shall be satisfied that the Complaint made is such as in his or their opinion would warrant such Summons to issue and all such further proceedings to be taken as may be necessary for the hearing of the said Complaint, and that the matter of the said Complaint is not beyond the jurisdiction of the Justice or Justices under the provisions of the Statutes of the Imperial Parliament in such case made and provided, the Justice or Justices shall and may proceed to issue such Summons and to hear, try, and determine the matter of such Complaint according to the provisions of the said Statutes: *Provided always*, That in all cases in which any such claim shall be made, whenever on such preliminary examination had as aforesaid it shall appear that the Ship or vessel in respect to which such claim shall be made has not arrived at the port to which she is ultimately destined, the Justice or Justices shall add or cause to be added to the said Complaint, if the same do not already therein appear, the name of the port to which such ship or vessel is ultimately destined: *And provided also*, That in every case in which such Justice or Justices, after such preliminary examination as aforesaid, shall refuse to issue such Summons on any such Complaint being made by any Merchant Seaman as aforesaid, or shall refuse to proceed on any such Complaint or to adjudicate thereon on the ground of want of jurisdiction, such Justice or Justices shall certify the same under his or their hand or hands, stating in such Certificate the special or particular reasons or grounds for such refusal, and shall deliver or cause to be delivered such Certificate to the Seaman by whom such Complaint was made or to his authorized Agent, on demand being made for the same.

That from and after the publication of this Act so much of a certain Act of the said Legislature published on the ninth day of December, one thousand eight hundred and thirty, intituled "An Act to extend parts of certain Acts of the Imperial Parliament to these Islands, for the Administration of Criminal Justice," as relates to the mode of Procedure before Justices of the Peace in respect to Summary Convictions, or Orders, the mode of compelling the attendance of persons punishable on Summary Conviction, the application of penalties, and the mode of punishment, and

all other parts of such Act as are in any way inconsistent with the provisions of this Act, and all other Act or Acts of the said Legislature, or parts of Acts which are inconsistent with the provisions of this Act, save and except so much of the said several Acts as repeal any other Act or parts of Acts, and also except as to proceedings now pending to which the same or any of them are applicable, shall be repealed and the same are hereby repealed accordingly.

That this Act shall come into operation on the day next after the same shall be published in the usual manner by the Provost Marshal of the said Government.

That this Act may be altered, amended, or repealed by any Act to be passed during the present or any future Quarterly Meeting of the said Legislature.

No. 101.
15th May, 1854.

CL. LX.
The day on which the Act shall come into operation.

CL. LXI.
This Act may be altered, &c., during the present Quarterly Meeting, &c.

SCHEDULE OF FEES.—Payable on Summary Proceedings.

	s.	d.
For all proceedings previous to a hearing [except for witnesses] to be paid on the laying the Information or making the Complaint or Charge	2	0
For every Witness summoned by Prosecutor, Complainant, or Defendant	0	6
For the Examination of all Witnesses at the Hearing, including the hearing and the Conviction or Order to be paid prior to the hearing	3	0
For all proceedings subsequent to the Hearing	2	0
For Copies of any proceedings for every hundred words	0	6

No. 102.

An Act to Repeal the Laws relating to Quarantine, and to make other Provisions in Lieu thereof. [7th July, 1854.]

WHEREAS it is expedient to repeal the several Laws relating to the performance of Quarantine, and to make other provisions in lieu thereof; *Be it therefore enacted* by the Officer administering this Government, the Council, and Assembly of the Island of St. Vincent and its Dependencies, and by the authority of the same, That from and after the publication of this Act, an Act of this Colony, intituled "An Act to repeal the several Laws relating to the performance of Quarantine, and to make other provisions in lieu thereof," and all and every Act and all parts of Acts relating to the performance of Quarantine, shall be and the same are hereby repealed, save and except as to any Fine, Forfeiture or Punishment, or Fines, Penalties, Forfeitures or Punishments, to which any person or persons may be liable by reason of the same, and also save and except as to offences committed against the same prior to the passing of this Act, and except as to any action, suit, prosecution, or other proceeding brought or commenced, or which shall hereafter be brought or commenced, for or on account of any such offence or offences so done or committed prior to the passing of this Act, in respect of which said several matters the same proceedings may be had and taken as if this Act had not been passed.

That immediately on and after the coming into operation of this Act it shall be lawful for the Officer administering this Government for the time being, and from time to time as occasion may require, to nominate and appoint, by any Instrument in writing under his hand, one or more Officer or Officers of Quarantine, for the purpose of more effectually carrying out, in their respective districts, the provisions of this Act, and enforcing the Rules and Regulations framed and ordained under the authority of this present Act; and every person so appointed an Officer of Quarantine shall, in his district, have and exercise, and is hereby invested with and authorized and empowered to put in force, execute, and perform and do all and every the powers, authorities, and duties, matters and things given to or vested in or imposed on and required to be done or performed by an Officer of Quarantine in and by this Act, or any Rule or Order so made pursuant to the power in that behalf hereinafter contained.

Preamble.
CL. I.
Repeal of former Acts.

Saving as to Penalties incurred under former Acts.

CL. II.
Governor to appoint Quarantine Officers.

No. 102.
7th July, 1854.

CL. III.
Colony divided into
Districts.

CL. IV.
Assistants of Quarantine to be appointed.

Proviso.
Remuneration to continue only during enforcement of Quarantine.

CL. V.
Vessels arriving from ports infected with Small Pox, or other infectious diseases, or receiving any person or goods from or out of any vessel, coming from or having touched at any such place, and also such person and goods liable to Quarantine.

That for the purposes of this Act, and for the better enforcement of Quarantine Regulations, the Coasts of this Island shall be divided into five Districts—the *first*, comprising the Windward coast of the Island, from the Fancy to the Bay of Calliaqua, including the Port and Harbour of Calliaqua, and continuing along and embracing the coast as far as the entrance to Greatheed's Bay; the *second district*, commencing at and including Greatheed's Bay, and down to and embracing the Port and Bay of Kingstown, and continuing along the coast to and including the Bay at Camden Park and Cane Wood; the *third district*, embracing the coast from the Leeward point of the last-mentioned Bay down the Leeward coast to and including the Bay of Layou, and taking in the Leeward coast as far as and including Cumberland Bay; the *fourth district*, embracing the remainder of the coast from Cumberland Bay, including the Bay of Chateaubellair, to the commencement of the first district; the *fifth district*, embracing the Islands called the Grenadines: *Provided always*, That it shall be lawful for the Officer administering this Government, by any Order to be made, under and according to the provisions of this Act, to alter or vary, enlarge or diminish, the extent of any of the said Districts, from time to time, as circumstances may render expedient.

That in case of emergency, or where it shall appear to the Officer administering this Government for the time being necessary on the establishment of Quarantine, and to prevent the introduction of disease into this Colony, temporarily to employ additional officers, it shall be lawful for the Officer administering this Government, by and with the advice of the Council of the same, to appoint by any Instrument in writing under his hand an Assistant of Quarantine in each district to be aiding and assisting the Officer of Quarantine in his district; and every such Assistant of Quarantine shall be under the orders of the Officer of Quarantine for the district to which he shall be appointed, and, subject to such orders, shall have and exercise in the district to which he may be appointed, all and every the powers and authorities hereby vested in the Officer of Quarantine: *Provided always*, That no appointment of any Officer of Quarantine, or Assistant of Quarantine under this Act shall authorize the permanent nomination of any person to any such office, so as to entail any fixed and permanent expense on this Colony; but such nomination and appointment shall, in every case, be so made that the remuneration of such persons shall continue only during such time as the Quarantine Regulations, for the time being, shall be enforced.

That all Vessels, as well Her Majesty's Ships of War as others, coming from or having touched at any place from whence the person administering this Government, by and with the advice of Her Majesty's Privy Council of the same, shall adjudge and declare it probable that the diseases called Small Pox, Cholera, or other infectious disease or distemper highly dangerous to the health of the inhabitants of these Islands, may be brought, and all vessels and boats receiving any persons, goods, wares, and merchandise, packets, packages, baggage, wearing apparel, books, letters, or other articles whatsoever, from or out of any vessel so coming from or having touched at any such infected place as aforesaid, whether such persons, goods, wares, and merchandise, packets, packages, wearing apparel, books, letters, or other articles, shall have come or been brought in such vessel, or such persons shall have gone or articles have been put on board the same, either before or after the arrival of such vessel at any port or bay within the said Islands; and all persons, goods, wares, and merchandise, packets, packages, baggage, wearing apparel, books, letters, or any other articles whatsoever, on board of any vessels so coming from or having touched at any such infected place as aforesaid, or on board of any such receiving vessels or boats as aforesaid, shall be and be considered to be liable to Quarantine within the meaning of this Act, and of any Order or Orders which shall be made by the person administering this Government, by and with the advice of the Privy Council of the same, concerning Quarantine and the prevention of infection, from the time of the departure of such vessels from such infected place as aforesaid, or from the time when such person, goods, wares, merchandise, packets, packages, baggage, wearing apparel, books, letters, or other articles, shall

have been received on board respectively; and all such vessels and boats as aforesaid, and all persons, goods, wares, and merchandise, and all other articles as aforesaid, whether coming or brought in such vessels or boats from such infected place as aforesaid, or going or being put on board the same either before or after the arrival of such vessels or boats at any port or bay within these Islands, and all persons, goods, wares, and merchandise, and other articles as aforesaid on board such receiving vessel or boat as aforesaid, shall, upon their arrival at any such port or bay, be obliged to perform Quarantine in such place or places, for such time, and in such manner, as shall from time to time be directed by the person administering this Government, by his or their Order or Orders in Council, notified by Proclamation or published in the Gazette; and that, until such vessels and boats, persons, goods, wares, and merchandise, and other articles as aforesaid, shall have respectively performed and shall be duly discharged from Quarantine, no such persons, goods, wares, or merchandise, or other articles as aforesaid, or any of them, shall, either before or after the arrival of such vessels or boats at any port or bay within these Islands, come or be brought on shore or go and be put on board any other vessel or boat in order to come or be brought on shore in any such port or bay, unless in such manner and in such cases, and by such licence, as shall be directed or permitted by such Order or Orders, made by the person administering this Government with the advice of the Privy Council of the same, under the authority in that behalf given by this Act; and all such vessels and boats, whether coming from such infected place as aforesaid, or being otherwise liable to Quarantine as aforesaid, and all persons, goods, wares, and merchandise, and other articles as aforesaid, whether coming or brought in such vessels or boats, or going or being put on board the same either before or after the arrival of such vessels or boats at any port or bay within these Islands, and all Commanders, Masters, or other persons, having the charge or command of any such vessels or boats, and all officers and the crews of any such vessels or boats, and all passengers on board the same, whether coming from any infected place, or being otherwise liable to Quarantine as aforesaid, shall be subject to all Provisions, Rules, Regulations, and Restrictions contained in this Act, or in any Order or Orders which shall be made by the person administering this Government, with the advice of the Privy Council of the same, concerning Quarantine and the prevention of infection as aforesaid, and to all the Pains, Penalties, Forfeitures, and Punishments in this Act provided and declared for any breach or disobedience thereof, or of any Order or Orders of the person administering this Government, with the advice of the Privy Council of the same, made under the authority thereof: *Provided*, That if any vessel shall have called merely at any infected port or place, and no bodily communication shall have taken place between such vessel and the shore, either by the landing of the Master, officers, crew, or passengers, or by any persons from shore having boarded such vessel, then such vessel shall not be deemed to have touched at such infected port or place within the meaning of this Act.

And whereas certain sorts of goods and merchandise are more especially liable to retain infection, and may be brought from places infected into other countries, and from thence imported into these Islands, *Be it enacted*, That all such goods and merchandise as shall be particularly specified for that purpose in any Order or Orders made, from time to time, by the person administering this Government, with the advice of the Privy Council of the same, concerning Quarantine and the prevention of infection as aforesaid, which shall be brought or imported into any port or bay in these Islands from any foreign country or place in any vessel whatever, and the vessels in which the same shall be brought, and also all vessels which shall arrive from any port or place whatever under any alarming or suspicious circumstances as to infection, shall be subject and liable to such regulations and restrictions as shall be made by any such Order or Orders of the person administering this Government as aforesaid, by and with the advice of the Privy Council, respecting the same.

That in all cases that may hereafter arise, where it may be found neces-

No. 102.
7th July, 1854.

Place and time of Quarantine to be directed by the Governor, by Order in Council.

Vessels, &c., liable to Quarantine, to be subject to such Orders and the Provisions of this Act.

CL. VI.
Certain sorts of goods to be specified in any Order of the Governor in Council, as made liable to Quarantine.

CL. VII.
Vessels not to touch

No. 102.
7th July, 1854.

at any other port except Kingstown, during the period of Quarantine, Regulations being in force, under Penalty of 100*l.* and imprisonment not exceeding three months.

sary by the Officer administering this Government for the time being, by and with the advice of the Privy Council, to enforce the regulations of this Act, or any of them, or of any Orders that may be made by virtue thereof for the establishment of Quarantine Regulations within this Island and its Dependencies, it shall not be lawful for any Ship or Vessel of any description whatsoever arriving at this Colony from any other country, island, or place whatever, after public notice of the establishment of Quarantine Regulations as provided by this Act, to enter into or to touch at any other port or place within this Island and its Dependencies, except the Port of Entry of Kingstown, under a Penalty of One Hundred Pounds, to be levied against the Master or other person having charge of such vessel, and imprisonment, not exceeding three months, according to the nature and extent of the offence ; and it shall and hereby is declared to be the duty of all Quarantine Officers, Harbour Masters, Police Magistrates, Officers of Her Majesty's Customs, the Treasurer, Justices of the Peace, Town- and Way- wardens, and the Constables of the respective Districts and Parishes of this Island and of the other Islands within this Government, to prevent such communication with vessels appearing off the coasts thereof, and if necessary to enforce the assistance of other persons in carrying into effect such prevention as aforesaid, which such last-mentioned persons, on being thereto required by any Officer of Quarantine, Custom House Officer, Treasurer, Justice of the Peace, or Constable, in the execution of his office and the powers of this Act, shall be compelled to do under a Penalty not exceeding Fifty Pounds for each refusal or neglect.

CL. VIII.

Persons not to go on board, or have communication with any Vessel entering the Port of Kingstown, until visited by the Quarantine Officer under penalty of 50*l.*

That whenever it may be deemed necessary and expedient to enforce Quarantine Regulations within this Government, and public notice thereof shall have been given as by this Act is provided, it shall not be lawful for any person or persons whatsoever to go on board or have communication with, or take any person or goods from any Ship or Vessel entering the Port of Kingstown, until a Quarantine Officer or Assistant of Quarantine of the said port shall have first visited the same and given permission for such ship or other vessel to enter the said port, under a penalty of Fifty Pounds ; and no person shall go on board of, or have or hold any communication with, or take any person or goods from any ship or other vessel appearing off any other port or place within this Government until the arrival of such vessel at, and entry into the above-named Port of Entry, under a like Penalty of Fifty Pounds for each offence.

CL. IX.

Governor to grant Certificate, on being satisfied of the health of the crew and passengers.

That the Officer administering the Government of this Colony for the time being, upon being satisfied of the health of the Master, crew, and passengers of any Ship or Vessel arriving as aforesaid, and on a Certificate by the Health Officer to that effect if he shall require the same, and on being satisfied that no necessity exists for the performance of Quarantine either by such vessel or the persons or goods on board thereof, may grant a Permit, under his hand, to the Officer of Quarantine to admit such vessel to an entry.

CL. X.

Commanders of Vessels arriving from any place suspected or known to be infected with infectious disease to give a true account to Quarantine Officer, under penalty.

And, to the end that it may be better known whether any Vessel be actually infected with the Cholera, Small Pox, or other infectious disease as aforesaid, or whether such vessel, or the mariners or passengers coming, or the cargo imported in the same, are liable to any orders touching Quarantine, *Be it further enacted*, That when any country or place shall be suspected or known to be infected with the Cholera, Small Pox, or other infectious disease as aforesaid, or when the person administering this Government, with the advice of the Privy Council, shall have made any Order concerning Quarantine and the prevention of infection as aforesaid, then and in such case as often as any vessel shall attempt to enter into the Port of Entry hereinbefore mentioned, the Quarantine Officer for Kingstown shall go off to such vessel (and that before any other boat or vessel shall approach the vessel so attempting to enter as aforesaid), and shall, at a convenient distance to windward of such vessel, demand of the Commander, Master, or other person having the charge of such vessel, and also of all or any of the officers or crew or passengers on board the same, if he shall deem it necessary, all such particulars relating to the voyage, and the health of the crew and passengers, if any, and of the cargo and other articles or things on board, as

No. 102.
7th July, 1854.

shall be necessary to enable such Quarantine Officer either to arrive at the fact whether such vessel, or the crew or passengers, or goods or articles, as the case may be, are liable to Quarantine or not, or to enable him to make a full report to the Officer administering this Government for the time being, under the provisions of this Act; and such Commander, Master, or other person having charge as aforesaid, and all other persons as aforesaid, shall, upon such demand, give a true account in writing or otherwise, and upon oath or not upon oath according as the Quarantine Officer requiring the same shall think fit, to all such questions or interrogatories as shall be put to him or them by virtue and in pursuance of such regulations and directions as the Officer administering this Government shall, with the advice of the Privy Council, prescribe; and in case such Commander or Master, or other person having charge of such vessel, or other person as aforesaid, shall, upon such demand made as aforesaid refuse to make a true discovery in any of the particulars concerning which he shall be interrogated in manner as aforesaid, or, in case he shall not be required to answer such questions or interrogatories upon oath, shall give a false answer to any such questions or interrogatories as aforesaid, such Commander, Master, or other person having charge of such vessel, or other person as aforesaid shall for every such offence forfeit and pay the sum of Fifty Pounds.

That in case it shall appear upon such examination or otherwise that such vessel is under such circumstances as shall render it liable to perform Quarantine, in such case it shall and may be lawful to and for the Officers of any of Her Majesty's Ships of War, or of any of Her Majesty's Forts or Garrisons or Colonial Fortifications, and all other Her Majesty's Officers, and for the Officer of Quarantine, and to and for any other person or persons whom they shall call to their aid and assistance, and all such Officers and other persons are hereby required, to oblige such vessels to go and repair to such place as hath been or shall be appointed for performance of Quarantine, and to use all necessary means for that purpose, either by firing of guns upon such vessel or by any other kind of necessary force whatsoever; and in case any such vessel shall come from or shall have touched at any place infected by Cholera, Small Pox, or other infectious disease as aforesaid, or shall have any person on board actually infected with the Cholera, Small Pox, or other infectious disease as aforesaid, and the Commander, Master, or other person having charge of such vessel, knowing that the place from whence he came, or at which he had touched as aforesaid, was infected with the Cholera, Small Pox, or other infectious disease, or knowing some person on board to be actually infected with the Cholera, Small Pox, or other infectious disease as aforesaid, shall refuse or omit to disclose the same upon such examination as aforesaid, such Commander, Master, or other person having charge of such vessel shall forfeit the sum of One Hundred Pounds.

That in case any pestilential or infectious disease or distemper shall appear on board any Ship or Vessel at anchor in any port, harbour, or bay or place within the said Island and its Dependencies, the Quarantine Officer of the port or district where such ship or vessel shall be, or any Constable of these Islands, and all persons having authority under this Act, shall and are hereby authorized and required to order and direct the Master and crew of such ship or vessel to remove the same, and either proceed forthwith to sea, or to go to the place appointed for the performance of Quarantine there to perform Quarantine in the way and manner herein directed for ships or vessels arriving in this Colony and liable to perform Quarantine; and the Masters and crews thereof, and the passengers, if any, and goods therein, respectively, shall be subject to all and every the Rules, Regulations, and Penalties herein prescribed for ships and vessels, and the Masters and crews thereof, and the passengers and crews on board the same under Quarantine or liable thereto as aforesaid; and if the Master or person in charge of such ship or vessel, on board of which any infectious disease or distemper shall appear as aforesaid, shall refuse or neglect to proceed to sea or to remove to the Quarantine ground, on being so ordered as aforesaid, he shall be liable to a penalty of One Hundred Pounds, and all and every the powers given by the eighth Clause of this Act shall and

CL. XI.
Vessels liable to the performance of Quarantine, to repair to such place as shall be appointed for performance of Quarantine.

CL. XII.
Pestilential or infectious disease appearing in Vessel at anchor in this Island, Quarantine Officer to cause Vessel to be removed to Quarantine Ground.

No. 102.
7th July, 1854.

CL. XIII.
Governor in Council
to make necessary
Orders upon unfore-
seen emergencies.

may be used and employed to compel such vessel and the persons on board the same to go to the nearest place appointed for the performance of Quarantine.

That it shall and may be lawful for the person administering this Government, with the advice of the Privy Council of the same, at any time to make such Order as they shall see necessary and expedient, upon any unforeseen emergency or in any particular case or cases, with respect to any Vessel arriving and having the Cholera, Small Pox, or other infectious disease or distemper on board, or on board of which any infectious disease or distemper may have appeared in the course of the voyage, or arriving under any other alarming or suspicious circumstances as to infection, although at the time of the arrival of such ship or vessel the general provisions of this Act for the performance of Quarantine may not be enforced or in course of observance, and although such vessel shall not have come from any place from which the person administering this Government, with the advice of the Privy Council of the same, may have adjudged and declared it probable that the Cholera, Small Pox, or other infectious disease or distemper may be brought; and so also in like manner with respect to the persons, goods, wares, and merchandise, and other articles as aforesaid on board the same, and likewise to make such Orders as they shall see fit for shortening the time of Quarantine to be performed by any particular vessel or vessels or particular persons, goods, wares, and merchandise, or any other articles, or for absolutely or conditionally releasing them or any of them from Quarantine; and all such Orders so made by the person administering this Government, by and with the advice of the Privy Council as aforesaid, shall be as good and effectual to all intents and purposes as well with respect to the Commander, Master, or other person having the charge of any vessel, and all other persons on board the same, as with respect to any other person having any intercourse or communication with them, and to the Penalties, Forfeitures, and Punishments to which they may respectively become liable, as any Order or Orders made by the person administering this Government, by and with the advice of the Privy Council, concerning Quarantine.

CL. XIV.
Officer of Quarantine
to speak each Vessel,
and Commander to
give an account
wherefrom, under
Penalty.

That during the enforcement of Quarantine the Quarantine Officers for the Ports of Kingstown and Calliaqua respectively shall speak each Vessel as she appears off the respective ports; to whom the Commander, Master, or other person having the charge of any such vessel shall give a true and full account of the names of the places and countries at which such vessel shall have loaded, sailed from, or touched at on her voyage to these Islands, and also a full and true account of the number of the officers and crew of such vessel, and the number, and also the names, as far as he is able, of all passengers on board such ship or vessel, and where and when such crew or passengers joined or came on board such vessel, on pain of forfeiting the sum of One Hundred Pounds for any neglect or refusal to give any such account, or for any false representation or wilful omission; and every Commander, Master, or other person having the charge of any such vessel not liable to performance of Quarantine, and having received permission from the Quarantine Officer to enter the port, shall, before such vessel shall be permitted to enter the Port of Kingstown, hoist a signal to denote that his vessel is not liable to the performance of Quarantine, which signal shall in the day-time be a large square blue flag at the maintopmast-head, and in the night-time a large lanthorn with a light therein at the same mast-head, and the like signals to be repeated and shown from the boat of the Quarantine Officer visiting such vessel and giving such permission to enter the port before such vessel shall be allowed or authorized to enter the port; and if any Master or person in charge of any such vessel shall hoist or suffer to be hoisted on board any such vessel such blue flag or light as aforesaid without being duly authorized so to do, or shall enter the port aforesaid before or without permission granted as aforesaid, or shall, after having received such permission to enter as aforesaid, enter the port without hoisting such signal as aforesaid, [he] shall be liable to a Penalty not exceeding One Hundred Pounds.

Ship allowed to enter;
Master to hoist signal.

CL. XV.
Master of Vessel liable

That every Master, Commander or other person having the charge of

any Vessel subject and liable to the performance of Quarantine shall, immediately on being declared by the Quarantine Officer liable to perform the same, either forthwith proceed to sea with such vessel, or, in case of such vessel remaining shall immediately proceed to the Quarantine ground therewith, and shall forthwith hoist a signal to denote that his vessel is so liable, which signal shall be, in the day-time a large square yellow flag at the maintopmast-head, and in the night-time a large signal lanthorn at the peak, and such Master, Commander or other person shall keep such signal hoisted during the whole time of performance of Quarantine, and until the said vessel shall be legally discharged from the performance thereof, and on failure thereof such Master, Commander or other person having charge of such vessel shall forfeit and pay for every such offence a sum not exceeding Fifty Pounds.

That every Commander, Master or other person having the charge of any Vessel coming from any other port or place which shall not be liable to Quarantine in respect of the place from whence such vessel comes, shall give to the Quarantine Officer of the Port who shall speak such vessel or go on board thereof, if thereto by him required, in addition to the particulars hereinbefore directed and required, a written account of the different articles composing the cargo of such vessel, on pain of forfeiting the sum of Twenty Pounds for any neglect or refusal to give such paper, or for any false representation or wilful omission therein; and if by any Proclamation or Order of the person administering this Government, issued with the advice of the Privy Council of the same, then in force vessels having on board any of the articles mentioned in such paper shall be liable to the performance of Quarantine, such Quarantine Officer shall immediately give notice thereof to the Commander or other person having the charge of such vessel, on pain of forfeiting the sum of Twenty Pounds for any neglect therein, and such Commander or other person shall thereupon hoist a signal and be governed and act according to the provisions contained in this Act in respect of vessels liable to the performance of Quarantine, and under the respective penalties contained in this Act for any neglect or refusal in respect thereof.

That every Commander, Master or other person having charge of any Vessel which shall be ordered to perform Quarantine as aforesaid shall forthwith, after his arrival at the place appointed for the performance of Quarantine, on demand exhibit to the Quarantine Officer of the Port, which Quarantine Officer is hereby authorized to make such demand, his Bill of Health if he has one, and Manifest or true copy thereof, together with his Log Book and Journal, under pain of forfeiting the sum of One Hundred Pounds if he shall wilfully refuse or neglect so to do.

That if any Commander, Master or other person having charge of any Vessel liable to perform Quarantine, shall himself quit, or shall knowingly permit or suffer any Seaman or Passenger coming in such vessel to quit such vessel, by going on shore or by going on board any other vessel or boat, before such Quarantine shall be fully performed, unless by such licence as shall be granted by virtue of any order issued by the person administering this Government, with the advice of the Privy Council of the same, concerning Quarantine as aforesaid, or in any case any Commander, Master or other person having charge of such vessel, shall not within a convenient time after due notice given for that purpose either quit the Colony and proceed to sea, or cause such vessel and the lading thereof to be removed to the place or places appointed for such vessel and the lading to perform Quarantine, then and in every such case every such Commander, Master or other person as aforesaid for every such Offence shall forfeit and pay a sum not exceeding One Hundred Pounds; and if any such person coming in any such vessel liable to Quarantine, or any other person going on board the same, either before or after the arrival of such vessel at any port or bay within the said Islands, shall, either before or after such arrival, quit such vessel, unless by such licence as aforesaid, by going on shore in any port or bay within these Islands, or by going on board any other vessel or boat with intent to go on shore as aforesaid, before such vessel so liable to Quarantine as aforesaid shall be regularly discharged from the performance

No. 102.
7th July, 1854.

to performance of
Quarantine to hoist
signal.

CL. XVI.
Master of Vessel to
give to Quarantine
Officer a written ac-
count of cargo.

CL. XVII.
Master of Vessel
ordered to perform
Quarantine, to deliver
to Quarantine Officer
on demand Bill of
Health, Manifest, Log
Book, and Journal.

CL. XVIII.
Master of Vessel liable
to perform Quarantine
quitting or permitting
any person to quit
vessel before Quarantine
performed, or not
removing to place ap-
pointed within conve-
nient time, to forfeit
100l.

No. 102.
7th July, 1854.

CL. XIX.
Persons quitting Vessels liable to Quarantine to be apprehended.

thereof, it shall and may be lawful for any person whatever by any kind of necessary force to compel such person so quitting such vessel so liable to Quarantine to return on board the same, and every such person so quitting such vessel so liable to Quarantine shall for every such offence forfeit and pay the sum of One Hundred Pounds or suffer an imprisonment not exceeding six months.

That it shall be lawful for any Officer of Quarantine, Constable, or other Peace Officer, or any other person, without Warrant, to seize and apprehend any person who shall, contrary to the provisions of this Act, or contrary to any Order to be made by the person administering this Government, with the advice of the Privy Council of the same, by virtue thereof, have quitted and come on shore from any vessel liable to perform Quarantine, or from any vessel or place appointed in that behalf, for the purpose of carrying such person before any Justice of the Peace, and it shall be lawful for any such Justice of the Peace or Magistrate, on being satisfied that such person shall have quitted and come on shore from any vessel liable to perform Quarantine, or from any vessel or place appointed in that behalf, to grant his Warrant, directed to any Constable, for the apprehending and conveying any such person to the vessel from which he shall have come on shore, or to any vessel performing Quarantine from which he shall have escaped, or to the vessel or place appointed to receive persons liable to perform Quarantine if the vessel from which he shall have landed or escaped shall have departed.

CL. XX.
Persons liable to Quarantine subject to orders from Officers of Quarantine, who may enforce obedience to such orders.

That all persons liable to perform Quarantine, and all persons having had intercourse or communication with them whether in vessels or otherwise, shall be subject, during the said Quarantine or during the time they shall be liable to Quarantine, to such orders as, under the provisions of this Act or of the Rules, Orders, and Regulations to be made by virtue thereof, they shall from time to time receive from the Quarantine Officers who are specially charged with the execution of this Act; and the said Quarantine Officers are hereby empowered and required to enforce all necessary obedience to the said Orders, and in case of necessity to call in others to their assistance, and all persons so called in are hereby required to assist accordingly; and such Quarantine Officers shall and they are hereby required and empowered to compel all persons liable to perform Quarantine as aforesaid, and persons having had any intercourse or communication with them to repair to such vessel or place, and to cause all goods, wares, and merchandise, and all other articles comprised within any such Orders to be made as last aforesaid, to be conveyed to such vessel or place duly appointed in that behalf in such manner and according to such directions as shall be made by the person administering this Government, with the advice of the Privy Council as aforesaid; and if any person liable to perform Quarantine as aforesaid, or any person having had any intercourse or communication with him, shall wilfully refuse or neglect to repair forthwith, when required and directed so to do by such Quarantine Officer, to the said vessel or place duly appointed in that behalf, or, having been placed in the said vessel or place, shall escape or attempt to escape out of the same before Quarantine duly performed, it shall and may be lawful to and for the said Quarantine Officers and all other persons whose duty it is to see Quarantine performed, every and each of them, and they are hereby respectively required by such necessary force as the case may require to compel every such person so refusing or neglecting as aforesaid to repair or return to such vessel or place so appointed as aforesaid; and every person so refusing or neglecting to repair forthwith as aforesaid to the said vessel or place, and also every person actually escaping as aforesaid, and landing in any part of this Colony contrary to the provisions of this Act, shall forfeit a Penalty not exceeding One Hundred Pounds.

Persons refusing to return to place of Quarantine, may be compelled to return.

CL. XXI.
Place to be appointed for performance of Quarantine.

And, in order to guard against and to make provision for persons liable to Quarantine leaving any Vessel which shall quit the Island and landing or going on board any other vessel before the due performance of Quarantine, *Be it further enacted*, That a place of security shall be appointed for the performance of Quarantine by the Officer administering this Government, where

all persons who shall have quitted a vessel liable to Quarantine, and which shall have left before the performance thereof, may, and if necessary shall, be compelled to go by any kind of necessary force, there to remain for such time as such person shall be liable to under the provisions of this Act, and the Orders, Rules, and Regulations issued under the authority of the same ; and the place so to be appointed for the performance of Quarantine, as last aforesaid, shall be some convenient and isolated place on the shore of this Colony.

That it shall and may be lawful for the person administering this Government, with the advice of the Privy Council, notified by Proclamation or published in the Gazette of the said Island, whenever necessity for such precaution may arise to prohibit all Persons, Vessels, and Boats whatsoever from going under any pretence whatsoever within the limits of any Station which under the provisions of this Act may be assigned for the performance of Quarantine ; and if any person whatsoever, after such notification or publication of any such Order, shall presume, under any pretence whatsoever, to go with any Vessel or Boat or otherwise within the limits of any such Station, he shall for every such offence forfeit and pay a sum not exceeding Twenty Pounds.

That after Quarantine shall have been duly performed by any Vessel or Person obliged to perform Quarantine as aforesaid according to this Act, and to such Order or Orders made as aforesaid, and upon Certificate of the Quarantine Officer of the Port that such Quarantine has been performed, and upon Certificate by the Health Officer that no Person on board such Ship or Vessel is affected with or suffering from any infectious disease, which Certificates the Quarantine Officer and Health Officer are hereby respectively required to give to every Master of a Vessel who may lawfully claim the same, without fee or reward other than is provided by this Act, then and in the said respective cases such Vessel and all and every such Persons so having performed Quarantine shall be released by the Order of the person administering this Government, and shall be liable to no further restraint or detention upon the same account for which such Vessel or Person shall have performed Quarantine as aforesaid.

That all Goods, Wares, and Merchandise, and other articles liable to Quarantine as aforesaid shall be opened and aired, and if necessary fumigated, under the direction and superintendence of the Health Officer, in such place or places and for such time and in such manner as shall be directed by the person administering this Government by Order made as aforesaid ; and after such Order shall have been duly complied with proof thereof shall be made either by the Certificate of the Quarantine or Health Officer or by the Oath of the Master of the Vessel in which the Goods, Wares, and Merchandise, and all other articles shall have been opened and aired, or by the Oaths of two credible Witnesses serving in the said Vessel before either the Quarantine or Health Officer, whereupon the person administering this Government shall issue his Order to release such Goods, Wares, and Merchandise, and other articles from further restraint.

That if any person shall land or unship, or shall move in order to the landing or unshipping thereof, any Goods, Wares, or Merchandise, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or other articles from on board any Vessel liable to perform Quarantine as aforesaid, and before the performance of by and due discharge of, such Vessel from Quarantine, or shall knowingly receive the same after they have been so landed or unshipped, every such person shall forfeit and pay a sum not exceeding One Hundred Pounds ; and if any person shall clandestinely convey, or secrete or conceal for the purpose of conveying, any Goods, Wares, Merchandise, Letters, or other articles as aforesaid from any Vessel actually performing Quarantine, or from any other place where such Goods, Wares, Merchandise, or other articles as aforesaid shall be performing Quarantine, every such person so offending as last aforesaid shall forfeit and pay a sum not exceeding One Hundred Pounds.

That in all cases wherein by virtue of this Act, or any other Act hereafter to be made touching Quarantine, any examination or answer shall be

No. 102.
7th July, 1854.

CL. XXII.
Governor may prohibit persons, vessels, and boats, from going within limits of Quarantine Ground.

CL. XXIII.
Governor may release vessels or persons having performed Quarantine.

CL. XXIV.
Goods liable to Quarantine to be opened and aired, and on proof released by Governor.

CL. XXV.
Persons landing or unshipping goods, or receiving same, to forfeit 100*l*.

CL. XXVI.
Power given to administer Oaths.

No. 102.
7th July, 1854.

taken or made upon Oath, the person who shall be authorized and required to take such examination and answer shall be deemed and is hereby declared to have full power and authority to administer such Oath; and if such person who shall be interrogated or examined shall wilfully swear falsely to any matter concerning which such person shall depose or make Oath on such examination or in such answer, and if any person shall procure any other person so to do, he so swearing falsely or procuring any other person so to do shall be deemed to have been guilty of and shall be liable to be prosecuted for Perjury or Subornation of Perjury, as the case may be, and shall suffer the pains, penalties and punishments of the Law in such cases respectively made and provided.

CL. XXVII.
Governor in Council
to make Orders, Rules,
and Regulations for the
enforcement of Quar-
antine.

That it shall be lawful for the Governor, by and with the advice of the Privy Council, from time to time to make all such General Orders, Rules, and Regulations for the governance of all persons liable to perform Quarantine, and for the better enforcement of Quarantine, and for fixing the places where and in which the same shall be performed, and the duration thereof, and all other matters relating thereto as shall be deemed advisable and expedient; *Provided*, That no such Orders, Rules, or Regulations shall be contrary to the provisions of this Act; and all or any such Orders, Rules, and Regulations shall and may from time to time be altered, amended, or annulled by the said Governor, by and with such advice as aforesaid; and all such General Orders, Rules, and Regulations shall, when made public as hereinafter provided, have the force and effect of Law in like manner as if the same had formed part of this present Act.

CL. XXVIII.
Publication of any
Order in the 'Gazette'
to be deemed sufficient
notice to all persons.

That all General Orders, Rules, and Regulations to be made for the better enforcement of Quarantine under the provisions of this Act, by the Governor with the advice of the Council, shall be published in the Gazette or notified by Proclamation; and the publication in the Gazette of this Island of any Order so made in pursuance of this Act, or his Excellency's Proclamation in pursuance of the same, shall be deemed and taken to be sufficient notice to all persons concerned of all matters therein respectively contained: *Provided always*, That it shall not be necessary to the validity of an Order made with respect to any one particular Vessel, or the Persons, Goods, or other articles on board the same, under the provisions of this Act, that the same should be published or notified as aforesaid, but the service of a Copy of any such Order by any Quarantine Officer on the Master of the Vessel in respect of which, or the crew, passengers, or goods in respect of which the same Order shall be made, shall be a sufficient notice to all intents and purposes whatsoever without any publication or public notification thereof: *And provided also*, That when the Governor shall see occasion to make an Order for the release of any particular Ship or Vessel, Persons, or Goods from the performance of Quarantine, and the Health Officer shall certify that the same may be done with safety to the public, it shall not be necessary to summon a Privy Council nor to require the consent of the Council to any such Order.

Proviso.

Proviso.

CL. XXIX.
Commissioners of
Quarantine to exer-
cise, in certain cases,
powers vested in Go-
vernor, in case of ab-
sence from Kings-
town.

And whereas, under this present Act various powers are given to and vested in the Governor, some whereof are to be only exercised by and with the advice of the Privy Council: *And whereas* it is expedient that in case of the temporary absence of the Governor as hereinafter mentioned some authority should be competent to act in cases of emergency or where immediate steps or orders are necessary to be had, taken, or made: *Be it therefore enacted*, That in case where any emergency shall arise and any immediate Act or Order is necessary to be done or made under the provisions of this Act, or of any Rule or Order made or to be made under the powers of the same (where it shall not be necessary to notify such Act or Order by Proclamation or publication in the Gazette) it shall be lawful for the Commissioners of Quarantine hereinafter appointed, or for any two or more of them, in case of the absence from Kingstown of the Governor, and in case he shall not be within the Parishes of St. George or St. Andrew, to make such Order and to take such steps as to such Commissioners shall seem expedient and right and according to Law; and any such Order or thing so made or done as aforesaid by such Commissioners, or any two or more of them, in the absence from Kingstown of the Governor shall and the same is

hereby declared to have the same force and effect as if the same had been made or done by the Governor: *Provided always*, That it shall be lawful for the Governor, if he shall see cause at any time after the making such Order unless the same shall actually have been fully executed, to annul, alter, or vary the same as to him shall seem meet.

That for the purposes of this Act, and for carrying the lastly hereinbefore made provisions into effect, the President of Council for the time being, the Speaker of Assembly for the time being, the Comptroller of Her Majesty's Customs for the time being, the Treasurer of this Colony for the time being, the Chairman of the Board of Health for the time being, and the Attorney-General for the time being, are hereby nominated and appointed perpetual Commissioners of Quarantine for this Colony.

That all Forfeitures and Penalties that shall be incurred by reason of any Offence committed against this Act, or against any Order or Orders to be made by the Governor with the consent of the Privy Council under the authority of this Act, or from which no specific mode of recovery is provided, shall and may be recovered in a summary manner before any Police Magistrate or any two Justices of the Peace, who are hereby authorized to hear, adjudge, and determine the same in a summary way, and to issue their Warrant or Warrants for enforcing obedience to such adjudication and determination and for levying the Penalties; and the mode of proceeding shall be according to "The Summary Procedure Act, 1853:" *Provided*, That where any Penalty or sum exceeding Ten Pounds shall be to be levied, the Warrant shall be directed to the Provost Marshal instead of to a Constable; and such Forfeitures and Penalties, after deducting a Commission of Five Pounds per centum as a reward or remuneration to the Provost Marshal where he shall be required to execute the same, shall be paid, one half into the Public Treasury of these Islands for the use of Her Majesty, her heirs and successors for the public uses of this Colony, and the other half to the person or persons who shall inform and sue for the same.

That immediately on the passing of this Act, and from time to time as occasion may require, it shall be lawful for the Governor, by any Instrument in writing under his hand, to nominate any Medical Practitioner to be Health and Medical Officer under this Act, and such Officer shall be called the "Health Officer," and such Officer shall, by virtue of his appointment, have and exercise throughout this Colony all and every the powers and authorities which in any particular district, port, or place, may, under the provisions of this Act, be exercised by an Officer of Quarantine; and the said Health Officer is hereby expressly empowered to examine on oath the Master, passengers, and crew of any Vessel arriving in this Colony during the enforcement of Quarantine or at any time where an examination shall, under the present Act or any Law hereafter to be passed, or any Rule made in pursuance of any such Law, be authorized or directed; and if the Master, crew, or passengers of any such vessel, or any of them, shall refuse to be examined on oath as aforesaid, he shall be liable to the Penalties in and by this Act imposed on a Captain or person in charge of a vessel or other person refusing to be examined on oath; and if any such person having been sworn shall wilfully swear falsely he shall be liable to the pains and Penalties provided by this act in that behalf; and in every case where the Master or person in charge of any ship or vessel shall refuse to be examined on oath as aforesaid, the ship or vessel of which such Master or person shall be in charge, and all and everything on board the same shall be and is hereby declared to be liable to perform Quarantine, and subject to the Quarantine Regulations, without further examination or proceedings had, and shall be ordered into Quarantine accordingly, there to await the Order of the Governor to be made in that behalf.

That the Health Officer appointed under this Act shall be entitled to receive from the Public Funds of this Colony a fee of One Pound sterling for every Vessel that he shall be required to board and visit and shall actually visit on her arrival in this Colony, during the enforcement of Quarantine Regulations under the provisions of this Act or of any Rule made or to be made in pursuance of the said Act, or when called on and required by

No. 102.
7th July, 1854.
Proviso.

CL. XXX.
Perpetual Commissioners of Quarantine nominated.

CL. XXXI.
Forfeitures and Penalties to be recovered in a summary manner, and the mode of procedure shall be according to "The Summary Procedure Act, 1853."

CL. XXXII.
Health Officer to be appointed.

Powers.

CL. XXXIII.
Fee to Health Officer of 1l. payable from Public Funds.

No. 102.
7th July, 1854.

Proviso.
Vessel requiring Medical Officer to pay Health Officer.

CL. XXXIV.
Duties of Health Officer.

CL. XXXV.
Assaulting, &c., Quarantine Officer.

Punishment for.

CL. XXXVI.
Expenses attendant on enforcement of Quarantine, how paid.

CL. XXXVII.
Answer of Commander or Master of Vessel to any question or interrogatory put to him

the Governor to board and visit any vessel in any emergency where he may deem the public health concerned: *Provided*, That no such fee shall be payable by the Public for any visit to any vessel requiring medical aid apart from the visits of the Medical Officer as prescribed by Law or Rule as aforesaid; but that for every such last-mentioned visit paid by the Medical or Health Officer to any vessel performing Quarantine or otherwise he shall be entitled to demand, receive, and have from the Master of such vessel a like fee of One Pound, to be recovered in case of need in like manner as any other debt for a like amount may be recovered by any Law in force in this Colony for the time being.

Provided always, That the Health Officer to be appointed as aforesaid, shall be bound and obliged, when thereto required by any such Law or Rule as aforesaid or by any Order issued by the Officer administering this Government as aforesaid, or where his services shall be required by any person on board any vessel in the performance of Quarantine, to repair on board any vessel which he shall be so required to visit without delay, and shall also be subject to such Rules and Regulations as, under the powers contained in this present Act, shall be hereafter made and ordained in reference to the performance of Quarantine; and no vessel shall be cleared by the Officer of Customs, or the Treasurer, during the continuance of Quarantine Regulations, or after the same may have been discontinued, if any such vessel shall during their continuance have been liable to Quarantine, until the Master or person in charge thereof shall produce and show to such Officer of Customs and Treasurer respectively a Certificate by the Officer of Quarantine of the Kingstown district that all lawful charges and fees to which such vessel, or the Master or person in charge thereof is liable, have been fully paid and discharged.

That if any person shall assault or wilfully oppose, obstruct, hinder, or prevent any Quarantine Officer or Assistant of Quarantine or Health Officer, appointed or to be appointed under the provisions of this present Act, in the performance of any act by Law or Rule as aforesaid authorized to be by him done or performed, or if any person shall wilfully refuse compliance with or obedience to, or shall disobey or wilfully disregard or break any Order, Rule, or Regulation to be framed, made, and ordained under the authority of this Act for which no Penalty is hereinbefore provided, such person shall be liable to any Penalty not exceeding Twenty Pounds, or imprisonment for any time not exceeding three months, as to the convicting Justices shall seem most meet, and as at the time of conviction shall be by them awarded.

And whereas no provision is made by Law for meeting the expenses attendant on the establishment and enforcing of Quarantine Regulations: *Be it therefore enacted*, That the Officer administering this Government is hereby authorized during the establishment of Quarantine to issue his Warrant, either weekly or monthly or otherwise as occasion may require, directing the Treasurer to pay to the Officers and Assistants of Quarantine and other persons who may under this present Act or the Rules and Regulations made or to be made pursuant thereto become entitled, [to pay] a remuneration for services performed in relation to the establishment or enforcement of Quarantine or otherwise, such sum or sums of money as shall be or become due to them for such services or otherwise: *Provided always*, That a statement of the weekly expenditure attending such Quarantine shall be laid before the Legislature at its first meeting after such expenditure shall have been incurred, and if such expenditure or any part thereof shall, by Resolution of either branch of the Legislature, be deemed unnecessary or excessive, the same shall, after such Resolution shall be communicated to the Officer administering this Government, either cease altogether or be reduced to such sum as the Legislature shall by Act or joint vote or resolution determine.

That in any Prosecution, Suit, or other proceedings against any person or persons whatsoever for any offence against this Act or any Act which may hereafter be passed concerning Quarantine, or for any breach or disobedience of any Order or Orders which shall be made by the Governor, with the advice

of the Privy Council or otherwise, as authorized by this Act, concerning Quarantine and the prevention of infection, and notified or published as aforesaid when such notification is by this Act required, the answer or answers of the Commander, Master or other person having charge of any vessel to any question or interrogatories put to him by virtue and in pursuance of this Act or of any Act which may hereafter be passed concerning Quarantine, or of any such Order or Orders as aforesaid, may and shall be given and received as evidence so far as the same relates or relate to the place from which such vessel shall come, or to the place or places at which such vessel touched in the course of the voyage; and where any vessel shall have been directed to perform Quarantine, *they* [?] having been so directed to perform Quarantine may and shall be given and received as evidence that such vessel was liable to Quarantine, unless satisfactory proof shall be produced by the Defendant in any such prosecution, suit, or other proceeding, to show that the vessel did not come from or touch at such place or places as is or are stated in the said answer or answers, or that such vessel, although directed to perform Quarantine, was not liable to the performance thereof; and where any such vessel shall have in fact been put under Quarantine, and shall actually be performing the same, such vessel shall in any prosecution, suit, or other proceeding against any person or persons whatever for any offence against this Act or any other Act which may hereafter be passed concerning Quarantine and the prevention of infection, or any Order or Orders which shall be made by the Governor as aforesaid, be deemed and taken to be liable to Quarantine, without proving in what manner or [*under*] what circumstances such vessel became liable to the performance thereof.

That if any Action or Suit shall be commenced against any person or persons for anything done in pursuance or execution of this Act or of any Order made by the Governor by virtue thereof, the Defendant or Defendants in such action or suit may plead the General Issue and give this Act and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and execution of the said Act; and if it shall appear so to have been done then the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or shall discontinue his action after the Defendant or Defendants shall have appeared, or if judgment shall have been given upon a verdict or demurrer against the Plaintiff, the Defendant or Defendants shall and may recover treble costs, and have the like remedy for the same as the Defendant or Defendants hath or have in other cases by Law, and that no such action or suit shall be brought against any person for any matter or thing done in pursuance or execution of this Act but within the space of one month after such matter or thing shall have been done.

That in citing this Act it shall be sufficient in all instruments and legal proceedings to cite the same as "The Quarantine Act, 1854."

No. 102.
7th July, 1854.

under this Act, shall be received as evidence that such vessel was liable to Quarantine.

CL. XXXVIII.
Persons sued for anything done under this Act, or any Order of the Governor, may plead the General Issue.

CL. XXXIX.
Act to be cited as "The Quarantine Act, 1854."

No. 103.

An Act to amend an Act, entitled "An Act to Repeal the second Clause of an Act, entitled 'An Act for Regulating the proceedings at Elections of Members to Serve in the General Assembly of the Island and Government of St. Vincent and its Dependencies; for determining the Qualification of Members and Electors; and for Repealing the Act of the said Island, therein mentioned, and to make other Provisions in Lieu thereof.'"

[7th August, 1854.]

WHEREAS, by the fourth Clause of an Act, entitled "An Act to repeal the second Clause of an Act, entitled 'An Act for regulating the proceedings at Elections of Members to serve in the General Assembly of the Island and Government of St. Vincent and its Dependencies, for determining the qualification of Members and Electors, and for repealing the Act of the said Island therein mentioned, and to make other provisions in lieu

Preamble.

280 *Classifying & Consolidating Petty Offences, on Summary Convictions.*

No. 103.
7th August, 1854.

CL. I.
Repeals fourth Clause
of Amended Election
Act, 12th March,
1850.

CL. II.
Nine Members com-
petent to form a
House to pass Bills,
&c.

CL. III.
Suspension Clause.

“thereof,” it is enacted that eleven of the Representatives chosen and returned as therein mentioned shall be competent to form a House, to pass any Bill or Bills, and to transact all other business whatsoever as a General Assembly, and that no number of Members, less than eleven of such Members, shall have power to pass any Bill or Bills, or transact any other matter or business, or to proceed therein as a General Assembly upon any account whatsoever, save and except for the purpose of adjournment: And whereas the delay of public business by repeated adjournments for want of a sufficient number of Members renders it absolutely necessary that a diminution should take place in the number of Representatives and the number of Members sufficient to form a House to transact business, *Be it therefore enacted*, by the Officer administering the Government of the Island of St. Vincent and its Dependencies, and by the Council and Assembly of the same, that, from and after the publication of this Act, the fourth Clause of the said Act, entitled “An Act to repeal the second Clause of an Act, entitled ‘An Act for regulating the proceedings at Elections of Members ‘to serve in the General Assembly of the Island and Government of St. ‘Vincent and its Dependencies, for determining the qualification of ‘Members and Electors, and for repealing the Act of the said Island ‘therein mentioned, and to make other provisions in lieu thereof,’” shall be and the same is hereby repealed.

That nine of the Representatives so chosen and returned as in and by the said recited Act is mentioned shall be competent to form a House of Assembly to pass any Bill or Bills, and to do business as such House of Assembly; and that no number of Members, less than nine of such Members, shall have power to pass any Bill or Bills, or transact any other matter or business, or to proceed therein as a House of Assembly, upon any account whatsoever, save and except for the purpose of adjournment.

That this Act shall not come into operation until Her Majesty's pleasure be known thereon.

No. 104.

*Procedure
Not made
No. 101*

An Act to Classify and Consolidate many of those Petty Misdemeanours, and other Petty Offences and Matters of Complaint, in which Justices of the Peace exercise and may in future exercise Summary Jurisdiction.
[22nd August, 1854.]

[See this Act amended by Acts 3rd November, 1860; and 16th October, 1861.]

Preamble.

WHEREAS it would conduce very greatly to the improvement of the administration of Summary Justice within the Government of the Island of St. Vincent and its Dependencies if many of the Petty Misdemeanours and other Petty Offences and matters of complaint over which Her Majesty's Justices of the Peace in and for the said Government exercise Summary Jurisdiction, as well as such other similar offences as it may be expedient for such Justices in a summary manner also to hear, try, and determine, were classified, and as far as can at present be done, consolidated into one Act:—

CL. I.
Short Title of Act only
may be cited.

Be it therefore enacted by the Officer administering the said Government for the time being, and by the Council and Assembly of the same, that in citing this Act in any other Act of the said Legislature, and in all legal instruments, it shall be enough to use the expression “The Summary “Offence Act, 1854.”

CL. II.
Construction of the
words “Justice,”
“Magistrate,” “Con-
stable,” “Peace Offi-
cer,” “Petty Misde-
meanour,” “Petty
Offence,” “Other
Offence,” “District,”
“Cattle,” “Street,”
“Public Place,”
“Goods,” “Months,”

That in the construction of this Act the word “Justice” shall mean any Justice being one of Her Majesty's Justices of the Peace in and for the said Government; and the word “Magistrate” shall mean any Police or other Magistrate; and the word “Constable” shall mean any Police Officer as well as Police Constables; and the words “Peace Officer” shall mean any Constable other than a Police Officer; and the words “Petty Misdemeanour” shall mean any offence punishable on summary conviction by imprisonment with or without hard labour, or defined as a petty misdemeanour in any Act of the said Legislature now in force or hereafter to be in force within

the said Government; and the words "Petty Offence" and "Other Offence," shall mean any offence other than a petty misdemeanour, and not punishable by imprisonment with hard labour; and the word "Cattle" shall mean any horse, mare, gelding, colt, filly, mule, ass, bull, ox, cow, heifer, steer, ram, sheep, lamb, goat, or pig; and the word "Street" shall mean any street, highway, public road, square, market place, alley, thoroughfare, public passage, or court in which several families may reside and having one common entrance, whether with or without any door or gate; and the words "Public Place" shall mean any other public place, church, chapel, court, court-yard, public office or room in which any public duty is carried on or performed, and to which the Public have access: and the word "Goods" shall mean any goods, chattels, or effects, or any animal or bird or other living thing which may by this Act be the subject of larceny; and the word "Month" shall mean calendar month; and unless there be something repugnant thereunto any word denoting the singular number, or male sex, shall mean and shall include any number of persons or things, and both sexes.

That any Information laid or Charge made before any Justice of the Peace in and for the said Government under the provisions of this Act shall be heard, tried, and determined by two or more Justices of the Peace in and for the said Government, and the mode of procedure and punishment and all necessary proceedings shall be according to the provisions of "The Summary Procedure Act, 1853."

And with respect to the practice of unlawful pretences to skill in Palmistry, Cards, and Occult Sciences:—Whereas the practice of pretending or professing by skill in occult science to arrive at a knowledge of events either past or to come, and thereby and by means of subtle craft, palmistry, or the cutting of cards, or other improper practices, pretending or professing to cure [of?] or to affect with disease, and thereby to alarm, deceive and impose upon Her Majesty's subjects in the said Government, hath now become so prevalent and so productive of mischievous consequences among the more simple, illiterate, and illinformed inhabitants of the said Government, that it hath become necessary that the Legislature should endeavour to restrain and punish persons who shall be guilty of such practice; *Be it enacted*, That every person pretending or professing to be a dealer, or worker, or practiser [of], or to have skill in, palmistry or in any subtle craft or occult science, and actually practising the same; every person who shall obtain or receive from any other person any money, goods, or valuable security, under or in consequence of the pretending or professing to have skill or the knowledge of palmistry, or any subtle craft or occult science, or other crafty means; every person who shall pretend or profess, or undertake by skill in, or by the knowledge of, any occult science, or by means of palmistry or the use of cards, or by any subtle craft or device, either to tell fortunes, or to discover, or disclose or make known the place of concealment or deposit of any lost or stolen goods; every person pretending or professing to have the power, and undertaking by skill in or by the knowledge of any occult science, or otherwise, by philters or by palmistry, or by the use of cards, or other subtle craft or device, to hurt, harm, afflict, or affect with disease or sickness, pain or infirmity, or with any ill consequences whatever, any other person, or by such means to cure any other person of any pain, disease, sickness or any other infirmity; and every person who shall actually practise any such subtle craft or device under pretence of afflicting or affecting with or curing any other person with or of any disease, sickness, pain, hurt, or infirmity; every such offender being convicted thereof shall be deemed guilty of a Petty Misdemeanour; and if any person so convicted shall afterwards be guilty of any of the said offences, every such offender shall be deemed guilty of an Indictable Misdemeanour, and may be ordered by the Court of Grand Sessions or any other Court having jurisdiction to hear, try, and determine the same, to pay a penalty not exceeding Fifty Pounds, or be imprisoned with or without hard labour for any time not exceeding Twelve Months; or may be ordered to pay such penalty and be so imprisoned; and may also be ordered in either case of such imprisonment

No. 104.
22nd August, 1854.

and the use of words denoting Number and Sex.

CL. III.
The Mode of Procedure according to the Provisions of "The Summary Procedure Act, 1853."

Palmistry Practices.
Preamble.

CL. IV.
Punishment for the practice of Palmistry, and other Occult Sciences, &c.

For Second Offence.

No. 104.
22nd August, 1854.

CL. V.
In support of a second
Offence, a Certificate
of Conviction only
necessary.

Larcenies, &c.

CL. VI.
Punishment of Theft
or Larceny.

*See ante
p. 101.*

CL. VII.
Punishment of any
Clerk, &c., for Embez-
zlement.

CL. VIII.
Distinct Acts of Em-
bezzlement may be
charged in the Inform-
ation.

CL. IX.
Punishment for ob-
taining Money, &c. un-
der False Pretences.

CL. X.
Punishment of the
Receivers of Stolen
Goods, &c.

to be once, twice, or thrice publicly or privately whipped during the term of such imprisonment at such times and at such places as the said Court shall at the time of passing sentence order and direct.

That it shall not be necessary in support of a Prosecution for a second offence, in the case hereinbefore mentioned or in any case hereinafter mentioned, to produce a copy of the Conviction; but a Certificate of the Conviction only, and in the form hereunto annexed or in any other form to the same effect signed by the Justices who shall have made the Conviction: so that the date of the commission of the Petty Misdemeanour, or petty offence, or other offence; the Petty Misdemeanour, or petty offence, or other offence, as charged; and the punishment ordered by such conviction and its date, be set forth therein.

With respect to Larcenies, Embezzlements, Obtaining Money &c. under False Pretences, &c. and the Receiving of Stolen Goods:—Be it enacted, That every person convicted of any Theft or Larceny, and [*when?*] the value of that which may be stolen does not exceed the sum of Five Pounds, shall be guilty of a Petty Misdemeanour, and shall also pay as amends to the party aggrieved such value, unless that which may have been stolen be restored uninjured.

That if any Clerk or servant, or any person employed for the purpose or in the capacity of a Clerk or servant, shall by virtue of such employment receive or take into his possession, not exceeding in value the sum of Five Pounds, any goods, money, debenture, deed, bond, bill, note, warrant, order, or other security whatsoever for money or for payment of money, or any warrant or order for the delivery or transfer of any goods or valuable thing, for or in the name or on the account of his master, and shall fraudulently embezzle the same or any part thereof, every such offender shall be deemed to have fraudulently stolen the same from his master, although such goods, money, or security was not received into the possession of such master otherwise than by the actual possession of his clerk, servant, or other person so employed; and every such offender being convicted thereof shall be deemed guilty of a Petty Misdemeanour, and shall also pay as amends to the party aggrieved such value, unless that which may have been so embezzled be restored uninjured.

That it shall be lawful to state in the Information or Charge, and to proceed against the person charged for, any number of distinct Acts of Embezzlement, not exceeding three, which may have been committed by him against the same Master within the space of six months; and if the offender shall be proved to have embezzled any piece of coin or valuable security or any portion of the value thereof, although such piece of coin or valuable security may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same, and such part shall have been returned accordingly [. . . .]

That if any person shall by any false pretence obtain from any other person, not exceeding in value the sum of Five Pounds, any goods, money, debenture, deed, bond, bill, note, warrant, order, or other security whatsoever for money or for payment of money, or any warrant or order for the delivery or transfer of any goods or valuable thing, with intent to cheat or defraud any person of the same, every such offender being convicted thereof shall be deemed guilty of a Petty Misdemeanour, and shall also pay as amends to the party aggrieved such value, unless that which may have been so obtained be restored uninjured.

That if any person shall receive, not exceeding in value the sum of Five Pounds, any goods, money, debenture, deed, bond, bill, note, warrant, order, or other security whatsoever for money or for payment of money, or any warrant or order for the delivery or transfer of any goods, or valuable thing, or other property whatsoever, the stealing, taking, obtaining, or converting whereof is made an offence by this Act, such person knowing the same to have been unlawfully stolen, taken, obtained, or converted, every such Receiver shall be deemed guilty of an offence under this Act, and may be proceeded against either by Information or Charge and convicted thereof, whether the person guilty of the principal Petty Misdemeanour shall or shall not have been previously convicted thereof, or shall or shall not be

amenable to justice; and every such Receiver being convicted thereof shall be liable to the same punishment as that to which the person guilty of the principal Petty Misdemeanour is liable, and shall also pay as amends to the party aggrieved such value, unless that which may have been received be restored uninjured.

That every such Receiver as aforesaid may be prosecuted by Information or Charge and convicted in any district within the said Government in which he shall have or shall have had any such property as aforesaid in his possession, or in any district in which the person guilty of the principal Petty Misdemeanour may be by Law convicted, in the same manner as such Receiver may be convicted in the district in which he actually received such property.

That in any Information or Charge for Theft, or Larceny, for Embezzlement, for Obtaining Money, &c. under false pretences, or for Receiving money, &c., knowing it to be stolen, it shall be sufficient in such Information or Charge to allege the subject of the Information or Charge to be of money, without specifying any particular coin or valuable security, and such allegation, so far as regards the description of the property the subject of the Information or Charge as aforesaid, shall be sustained if the person charged shall be proved to have stolen, embezzled, obtained under false pretences, or received, any amount; although the particular species of coin or valuable security of which such amount was composed shall not be proved.

And with respect to Larcenies of Property attached to the Realty or otherwise, and damage to Property with intent to steal and damage generally:—Be it enacted, That if any person shall steal when severed from the Realty, or shall cut, break, root up, cut down, or otherwise destroy or damage with intent to steal, the whole or any part of any tree, sapling, shrub, or any underwood, wheresoever the same may be respectively growing, the tree stolen or the part thereof, or the sapling, shrub, or underwood, or the injury done, being in value not exceeding the sum of Five Pounds, every such offender being convicted thereof shall be deemed guilty of a Petty Misdemeanour, and shall pay as amends to the person aggrieved the value of that which may have been stolen, cut, broken, rooted up, cut down, or otherwise destroyed or damaged.

That if any person shall steal when severed from the Realty, or shall cut, cut down, break, pull up, or throw down, with intent to steal, any part of any live or dead fence, or any wooden post, old lumber, pale, or rail set up or used as a fence or which may form a part of any fence, cattle-pen, or watch-house, or any stile, or gate, or any part thereof respectively, in value not exceeding the sum of Five Pounds, every such offender being convicted thereof shall be deemed guilty of a Petty Misdemeanour, and shall pay as amends to the person aggrieved, the value of that which may have been so stolen, cut, cut down, barked, pulled up, or thrown down.

That if the whole or any part of any tree, sapling, or shrub, or any underwood, or any part of any live or dead fence, or any wooden post, old lumber, pale, rail, stile, or gate, or any part thereof, being in value not exceeding the sum of Five Pounds, shall, by virtue of a Search Warrant to be granted as hereinafter mentioned, be found in the possession of any person, or on the premises of any person with his knowledge, and such person being taken before any two or more Justices of the Peace shall not satisfy such Justices that he came lawfully by the same, every such offender being convicted thereof shall be deemed guilty of a Petty Misdemeanour, and shall pay as amends to the person aggrieved the value of that which may be so found as aforesaid, if in any way injured or destroyed.

That if any person shall steal, when severed from the Realty or otherwise, or shall pick or pluck, cut or cut off, break or break off, or root, pull or dig up, cut down or otherwise destroy or damage, with intent to steal, any fruit, cultivated root, grass, or plant, used either for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land open or enclosed, being in value not exceeding the sum of Five Pounds, every such offender being convicted thereof shall be deemed guilty of a Petty Misdemeanour, and shall pay as

No. 104.
22nd August, 1854.

CL. XI.
Receivers may be convicted in the District in which the Principal may be convicted, or in which the Property is found in Possession of Receiver, or in which he received it.

CL. XII.
As to the Allegation in Information, &c., and the Proof of the Property stolen, embezzled, obtained under false pretences, or received, known to be stolen.

Larcenies, &c., to Realty.

CL. XIII.
Punishment for stealing trees, &c., or cutting, &c., with intent to steal, &c.

CL. XIV.
Punishment for stealing, or for cutting, with intent, &c., any live fence, &c.

CL. XV.
Punishment of persons in possession of any tree, &c., and not satisfactorily accounting for the same.

CL. XVI.
Punishment of persons who shall steal or shall pick, &c., with intent to steal, any fruit, cultivated root, &c., and growing in any land, &c.

No. 104.
22nd August, 1854.

CL. XVII.
Punishment of persons
stealing glass, &c.,
metal fixtures, &c.

amends to the person aggrieved the value of that which may have been stolen, picked or plucked, cut or cut off, broken or broken off, or rooted, pulled, or dug up, cut down, or otherwise destroyed or damaged.

That if any person shall steal, when severed from the Realty, or rip or rip up or rip off, or cut or cut off, or tear or tear off, or break or break off, or in any way sever from the Realty, with intent to steal, any glass or wood-work, or any lead, iron, copper, brass, or other metal, or any utensil or fixture, whether made of metal or other material, or any part of any utensil or fixture belonging to or attached to, or in any way fixed in or to or upon any building whatsoever, or anything or the part of anything made of metal fixed in any land, or shall pull up and sever anything or the part of anything made of any metal fixed in any land being private property, or used for a fence to any dwellinghouse or garden, or fixed in any street or public place, and the thing so stolen, ripped, or ripped up or ripped off, or cut or cut off, or torn or torn off, or broken or broken off, or in any way severed from the Realty, or the metal, or utensil, or fixture, or other thing, being in value not exceeding the sum of Five Pounds, every such offender being convicted thereof shall be deemed guilty of a Petty Misdemeanour, and shall also pay as amends to the person aggrieved, if of a private nature, the value of that which may have been so stolen, or ripped up, or ripped off or cut or cut off, or torn or torn off, or broken or broken off, or in any way severed from the Realty, or of the metal, or utensil, or fixture, or other thing if in any way injured or destroyed: and in the case of any such property as hereinbefore mentioned being fixed in any street or public place, it shall not be necessary to allege the same to be the property of any person, and such offender shall in such case pay to the person by whom the Information may be laid or Charge may be made the Costs of the conviction and the value of that which may have been stolen or so severed from the Realty with such intention as aforesaid, and when paid shall be applied in the same manner as Penalties, Fines, and Forfeitures are directed to be applied by virtue of "The Summary Procedure Act, 1853."

CL. XVIII.
Punishment for damage, &c., to property
not otherwise provided
for with intent to commit
any Theft or Larceny.

That if any person shall steal, when severed from the Realty, or shall damage, injure, spoil or destroy, with intent to steal, any Property whatsoever, whether attached to the realty or otherwise, either of a public or private nature, and in value not exceeding the sum of Five Pounds, and not hereinbefore or hereinafter mentioned, every such offender being convicted thereof shall be deemed guilty of a Petty Misdemeanour, and such offender shall also pay, as amends to the party aggrieved if the Property be of a private nature the value of that which may have been so stolen or damaged, injured, spoiled, or destroyed; and if the Property be of a public nature such offender shall pay to the person by whom the Information may be laid or Charge made the Costs of the Conviction and the value of that which may have been stolen or damaged, injured, spoiled, or destroyed, and when paid shall be applied in the same manner as Penalties, Fines, and Forfeitures are directed to be applied by virtue of "The Summary Procedure Act, 1853."

CL. XIX.
Punishment of persons
destroying trees, &c.,
wheresoever growing,
&c., and of any value
above 1s.

That if any person shall unlawfully and maliciously cut, break, bark, root up, cut down, or otherwise destroy or damage the whole or any part of any tree, sapling or shrub, or any underwood, wheresoever the same may be respectively growing, the injury done being in value not exceeding the sum of Five Pounds, every such offender being convicted thereof shall be deemed guilty of a Petty Misdemeanour, and shall pay as amends to the person aggrieved the value of that which may have been unlawfully and maliciously cut, broken, barked, rooted up, cut down, or otherwise destroyed or damaged.

CL. XX.
Punishment of persons
destroying any fruit,
cultivated root, &c.,
growing in any land,
&c., with intent to destroy, &c.

That if any person shall unlawfully and maliciously destroy, or damage with intent to destroy, any fruit, cultivated root, grass, or plant, used either for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land open or enclosed, being in value not exceeding the sum of Five Pounds, every such offender being convicted thereof shall be deemed guilty of a Petty Misdemeanour, and shall pay as amends to the person aggrieved the

value of that which may have been unlawfully and maliciously destroyed or damaged.

That if any person shall unlawfully and maliciously cut, break, throw down, or in anywise destroy or damage, any fence of any description whatsoever, or any wall, stile or gate, or any part thereof respectively, being in value not exceeding the sum of Five Pounds, every such offender being convicted thereof shall be deemed guilty of a Petty Misdemeanour, and shall pay, as amends to the person aggrieved, the value of that which may have been unlawfully and maliciously cut, broken, thrown down, or in anywise destroyed or damaged.

That if any person shall unlawfully and maliciously commit any damage, injury, or spoil to or upon, or shall destroy, any real or personal property whatsoever either of a public or private nature not hereinbefore or hereinafter mentioned, being in value not exceeding the sum of Five Pounds, every such offender being convicted thereof shall be deemed guilty of a Petty Misdemeanour, and shall pay, as amends to the person aggrieved, if the Property be of a private nature such sum of money and Costs, if ordered, as shall appear to the Justices a reasonable compensation for the damage, injury, or spoil or destruction so committed, not exceeding the sum of Five Pounds; and if the Property be of a public nature, then such Costs, if ordered, shall be paid to the person by whom the Information may be laid or Charge made, and the sum to be paid by way of compensation or amends shall be applied in the same manner as Penalties, Fines, and Forfeitures are directed to be applied by virtue of "The Summary Procedure Act, 1853."

That any artificer, workman, journeyman, apprentice, servant or labourer who shall unlawfully and maliciously damage, spoil, or destroy any goods, wares, work, or materials committed to his care and charge, without the consent of the person by whom he shall be hired, retained, or employed, the injury done being in value not exceeding the sum of Five Pounds, shall be deemed guilty of a Petty Misdemeanour, and shall pay as amends to the person aggrieved the value of that which may have been unlawfully and maliciously damaged, spoiled, or destroyed.

That nothing hereinbefore mentioned shall extend to any case in which the person trespassing acted under a fair and reasonable supposition that he had a right to do the act for which he may have been prosecuted, but that every such Trespass shall be punishable in the same manner as before the passing of this Act, or of the Act intituled "An Act to extend parts of certain Acts of the Imperial Parliament to these Islands for the Administration of Criminal Justice."

That the punishment imposed on any person maliciously committing any Petty Misdemeanour hereinbefore mentioned shall equally apply and be enforced, whether the Petty Misdemeanour shall be conceived against the Owner of the Property in respect of which it shall be committed, or otherwise.

And with respect to the Larceny of Dogs, Beasts, or Birds, not being the subject of Larceny at Common Law:—Be it enacted, That if any person shall steal any dog, or any beast or bird ordinarily kept in a state of confinement or domesticated, not being the subject of Larceny at Common Law, every such offender being convicted thereof shall be deemed guilty of a Petty Misdemeanour, and shall also pay, as amends to the person aggrieved, the value of such dog, beast, or bird, unless such dog, beast, or bird be restored uninjured.

That if any dog, beast, or bird, ordinarily kept in a state of confinement or domesticated, not being the subject of Larceny at Common Law, or the skin of any such dog, beast, or bird, shall be found in the possession or on the premises of any person by virtue of any Search Warrant to be granted as hereinbefore mentioned, the Justices before whom such person may be brought may order the same to be restored to the owner thereof, and the person in whose possession or on whose premises the same shall be so found, such person knowing that such dog, beast, or bird has been stolen, or that the skin is the skin of such stolen dog, beast, or bird, every

No. 104.
22nd August, 1854.

CL. XXI.
Punishment of persons destroying, &c., any fence, wall, &c.

CL. XXII.
Punishment of persons committing any damage to any property, not otherwise specially provided for.

CL. XXIII.
Punishment of any artificer, &c., for damage to goods or work committed to his care, &c.

CL. XXIV.
Not to extend to any case in which the person trespassing acted under a fair supposition that he had a right to do the act for which he may have been prosecuted.

CL. XXV.
Malice to the owner not essential to any offence under this Act.

Larceny of Dogs, &c.

CL. XXVI.
Punishment for stealing dogs, beasts, or birds, not the subject of Larceny at Common Law.

CL. XXVII.
Punishment for having possession of any stolen dog, &c., or the skin of any stolen dog, &c., knowing the same to be stolen.

No. 104.
22nd August, 1854.

CL. XXVIII.
Punishment for the
compounding of offen-
ces against stealing
any dog, &c.

such person being convicted thereof shall be deemed guilty of a Petty Misdemeanour, and shall also pay, as amends to the person aggrieved, the value of such dog, beast, or bird, unless such dog, beast, or bird be restored uninjured.

That if any person shall publicly advertise or offer a reward for the return or recovery of any dog, beast, or bird ordinarily kept in a state of confinement or domesticated, not being the subject of Larceny at Common Law, [which] shall have been stolen or lost, and shall in such advertisement use any words purporting that a reward will be given or paid for any such dog, beast, or bird which shall have been stolen or lost, without taking into custody or making any inquiry after the person producing such dog, beast, or bird; every such person shall be deemed guilty of a Petty Offence.

CL. XXIX.
Punishment of persons
for receiving money to
restore stolen dogs,
&c.

That if any person shall corruptly take any money or reward directly or indirectly, under pretence or on account of aiding any person to recover any dog, beast, or bird ordinarily kept in a state of confinement or domesticated, not being the subject of Larceny at Common Law, which shall have been stolen, or which shall be in the possession of any person not being the owner thereof, [such person] shall be deemed guilty of a Petty Misdemeanour.

Offences against Prop-
erty.

CL. XXX.
Punishment of any
person having goods,
&c., in his possession,
&c., reasonably suspec-
ted of being stolen.

And with respect to some other Offences against Property:—*Be it enacted*, That every person who shall be brought before any two or more Justices, charged with having in his possession, or conveying in any manner any goods which may be reasonably suspected of being stolen or unlawfully obtained, and who shall not give an account to the satisfaction of such Justices how he came by the same, shall be deemed guilty of a Petty Misdemeanour.

CL. XXXI.
Punishment of any
person having goods,
&c., in his possession,
&c., reasonably suspec-
ted of being stolen,
&c., and employed as
a carrier, &c., and the
punishment of any
person so employing
him.

That when any person shall be brought before any two or more Justices charged with having in his possession or conveying any goods stolen or unlawfully obtained, and shall declare that he received the same from some other person, or that he was employed as a Carrier, agent, or servant, or to convey the same for some other person, such Justices are hereby authorized and required to cause every such other person, and also, if necessary, every former or pretended purchaser or other person through whose possession the same shall have passed, to be brought before them, and to examine witnesses upon oath touching the same; and if it shall appear to such Justices that any person shall have had possession of such goods and had reasonable cause to believe the same to have been stolen or unlawfully obtained, every such person shall be judged to have had possession of such goods at the time and place when and where the same shall have been found or seized, and be deemed guilty of a Petty Misdemeanour; and the possession of a Carrier, agent, or servant shall be judged to be the possession of the person who shall have employed such Carrier, agent, or servant to convey the same, and such person shall be deemed guilty of a Petty Misdemeanour.

CL. XXXII.
Punishment of persons
in possession of ship-
wrecked goods, not
giving a satisfactory
account of them.

That if any goods belonging to or which may have formed any part of the cargo of any Ship, vessel, boat, barge, or canoe, in distress, or wrecked, stranded, or cast on shore, shall by virtue of a Search Warrant to be granted as hereinafter mentioned be found in the possession of any person, or on the premises of any person with his knowledge, and such person being carried before two or more Justices of the Peace shall not satisfy such Justices that he came lawfully by the same, then the same shall by order of such Justices be forthwith delivered over to or for the use of the rightful owner thereof: and every such person being convicted thereof shall be deemed guilty of a Petty Misdemeanour, and shall also pay, as amends to the person aggrieved, the value of such goods, unless that which may have been so found in the possession or on the premises of any such person as aforesaid be restored uninjured.

CL. XXXIII.
Punishment of persons
offering shipwrecked
goods, &c., for sale;
and the goods, &c.,
may be seized.

That if any person shall offer or expose for sale any goods which shall have been unlawfully taken, or reasonably suspected to have been unlawfully taken, from any Ship, vessel, boat, barge, or canoe, in distress or wrecked, stranded, or cast on shore, or which may have formed any part of the cargo of any such ship, vessel, boat, barge, or canoe, in every such case any person to whom the same shall be offered for sale, or any Officer of the Customs or

of the Colonial Treasury, or any Constable or Peace Officer, may lawfully seize the same, and may take such person into custody, and shall with all convenient speed either lay an Information or make a Charge concerning such seizure, as it may be; and if the person who shall have offered or exposed the same for sale, on being brought up in custody or on being duly summoned, shall not appear and satisfy two or more Justices of the Peace that he came lawfully by such goods, then the same shall, by order of such Justices, be forthwith delivered over to or for the use of the rightful owner thereof, upon the payment of a reasonable reward, to be ascertained by such Justices, to the person who seized the same; and such person, on being convicted thereof, shall be deemed guilty of a Petty Misdemeanour, and shall pay, as amends to the person aggrieved, the value of such goods, unless the same be delivered up uninjured.

That every person who shall knowingly take in exchange from any seaman or other person, not being the Owner or Master of any Ship, vessel, boat, barge or canoe, or other craft, anything belonging to any ship, vessel, boat, barge or canoe, or other craft lying and being at anchor or otherwise in any bay, creek, inlet or river which may be adjacent to the land of the said Government, or any part of the cargo of any such ship, vessel, boat, barge, or canoe, or other craft, or any stores, or any other goods in charge of the Owner or Master of any such ship, vessel, boat, barge, or canoe, or other craft, shall be deemed guilty of a Petty Misdemeanour.

That every person who shall unlawfully cut, damage, or destroy any of the ropes, cables, cordage, tackle, headfasts, or other furniture of or belonging to any Ship, vessel, boat, barge, or canoe, or other craft, lying or being at anchor or otherwise in any bay, creek, inlet, or river which may be adjacent to the land of the said Government, with intent to steal or otherwise unlawfully obtain the same or any part thereof, shall be deemed guilty of a Petty Misdemeanour.

That it shall be lawful for any Constable to take into custody every person who, for the purpose of preventing the seizure or discovery of any materials, furniture, stores, or merchandise belonging to or having been part of the cargo of any Ship, vessel, boat, barge, or canoe, or other craft lying and being at anchor or otherwise in any bay, creek, inlet, or river which may be adjacent to the land of the said Government, or of any other goods unlawfully obtained from any such ship, vessel, boat, barge, or canoe, or other craft, shall wilfully let fall or throw in the water, or [in] any other manner convey away from any ship, vessel, boat, barge or canoe or other craft, wharf, quay, or landing-place, any such goods, or who shall be accessory to any such offence; and also for any Constable to seize and detain any boat, barge or canoe or other craft in which such person shall be found, or out of which any goods shall be so let fall, thrown, or conveyed away; and every such person shall be deemed guilty of a Petty Misdemeanour.

That every person who shall be found in or upon any warehouse, shop, store, wharf, quay, landing-place, or on the beach, or on board any Ship, vessel, boat, barge, or canoe or other craft lying and being at anchor or otherwise in any bay, creek, inlet, or river which may be adjacent to the land of the said Government, having in his possession any tube, quill, or other instrument for the purpose of unlawfully obtaining any wine, spirits, or other liquors, or having in his possession any skin, bladder, or other material or utensil for the purpose of unlawfully secreting or carrying away any such wine, spirits, or other liquors, and any person who shall attempt unlawfully to obtain any such wine, spirits, or other liquors, shall be deemed guilty of a Petty Misdemeanour.

That every person who shall bore, pierce, break, cut, open, or otherwise injure any cask, box, case, or other package containing wine, spirits, or other liquors, or who shall be found on board any Ship, vessel, boat, barge, or canoe or other craft lying and being at anchor or otherwise in any bay, creek, inlet, or river which may be adjacent to the land of the said Government, or in or upon any warehouse, shop, store, wharf, quay, landing-place, or on the beach, with intent feloniously to steal or otherwise unlawfully

CL. XXXIV.
Punishment of persons taking in exchange from seamen or other persons ships' stores, &c.

CL. XXXV.
Punishment of persons cutting ropes, cables, &c., belonging to any ship, &c.

CL. XXXVI.
Punishment of persons wilfully letting fall goods, &c., into the water, or in any other manner conveying the same away.

CL. XXXVII.
Punishment of persons possessing instruments for unlawfully secreting or carrying away wines, &c.

CL. XXXVIII.
Punishment of persons for piercing cask, or opening any other package.

No. 104.
22nd August, 1854.

CL. XXXIX.
Punishment of persons
breaking, &c., pack-
ages, with intent to
spill, &c., contents.

obtain any part of the contents thereof, or who shall unlawfully drink, or wilfully spill, or allow to run to waste any part of the contents thereof, shall be deemed guilty of a Petty Misdemeanour.

That every person who shall wilfully cause to be broken, pierced, started, cut, torn, or otherwise injured, any cask, chest, case, bag, or other package containing or prepared for containing any goods, while on board of any boat, barge, or canoe or other craft lying and being at anchor or otherwise in any bay, creek, inlet, or river, which may be adjacent to the land of the said Government, or on any wharf, quay, landing-place, or on the beach adjacent to the same, or in any way to or from any warehouse, shop, or store, with intent that the contents of such cask, chest, case, bag, or other package, or any part thereof, may be spilled or dropped from any such cask, chest, case, bag, or other package, shall be deemed guilty of a Petty Misdemeanour.

CL. XL.
Punishment of persons
framing false Bills of
Parcels, &c., to escape
detection.

That every person who, for the purpose of protecting or preventing any goods whatsoever from being seized within the said Government on suspicion of their being stolen or unlawfully obtained, or of preventing the same from being produced or made to serve as evidence concerning any Felony or Misdemeanour committed or supposed to be committed within the said Government, shall frame or cause to be framed any Bill of Parcels containing any false statement in regard to the name or abode of the alleged vendor, the quantity or quality of any such goods, the place whence or the conveyance by which the same was furnished, the price agreed upon or charged for the same, or any other particular, knowing such statement to be false, or who shall fraudulently produce such Bill of Parcels, knowing the same to have been fraudulently framed, shall be deemed guilty of a Petty Misdemeanour.

CL. XLI.
Goods, &c. stolen and
unlawfully deposited,
&c., may, by two or
more Justices, be or-
dered to be delivered
up; in case of refusal
the value to be paid to
the owner.

That if any goods shall be stolen or unlawfully obtained from any person, or being unlawfully obtained shall be unlawfully deposited, pawned, pledged, sold, or exchanged, and Information or Charge shall be made thereof to any Justice of the Peace, and that such goods are in the possession of, any other person who shall have advanced money upon the credit of such goods, it shall be lawful for such Justice to issue a Summons or Warrant for the appearance of such other person and for the production of the goods before any two or more Justices of the Peace, and for such Justices to order such goods to be delivered up to the Owner thereof, either without any payment or upon the payment of such sum and at such a time as such Justices shall think fit; and every person who being so ordered shall refuse or neglect to deliver up such goods, or who shall dispose of or make away with the same after notice that such goods were stolen or unlawfully obtained as aforesaid, shall pay to the Owner of such goods the full value thereof to be determined by such Justices, together with the costs of the Information or Charge, if ordered, also to be determined by such Justices: *Provided always*, That no such Order shall bar any such person so ordered as aforesaid from recovering possession of such goods by Suit or Action at Law from the person into whose possession they may come by virtue of the Order of such Justices, so that such Action be commenced within six months next after such Order shall be made.

Proviso..
No such order shall
bar any person from
the possession of such
goods by action, &c.

Preamble.

And whereas doubts have arisen whether goods unlawfully deposited, pledged, pawned, or exchanged may be returned to the owner in cases of Summary Conviction, or in cases in which such goods are produced without the issue of any Search Warrant: *Be it enacted*, That it shall be lawful for two or more Justices, on the hearing of an Information or Charge, to order that any goods unlawfully deposited, pawned, pledged, or exchanged, which shall be produced before them and the ownership of which shall be established, on the hearing of such Information or Charge, to the satisfaction of such Justices, shall be delivered up to the owner by the person with whom they were so unlawfully deposited, pawned, pledged or exchanged, either without compensation, or with such compensation to be paid to him as such Justices may think fit.

CL. XLII.
Goods, &c., unlawfully
deposited, &c., may be
ordered by two or
more Justices to be
restored in case of
Summary Conviction.

CL. XLIII.
Goods, &c., charged to
be stolen and in the

That if any goods charged to be stolen or unlawfully or fraudulently obtained shall be in the custody of any Constable or Peace Officer, by

virtue of the Warrant of any Justice of the Peace, or in consequence of the prosecution of any Information or Charge of Felony or Petty Misdemeanour in respect to such goods, and the person charged with having stolen or having unlawfully or fraudulently obtained such goods shall not be found, or shall have been summarily convicted, or have been taken into custody and brought up before any two or more Justices of the Peace and discharged for want of prosecution, or shall have been tried and acquitted; or if such person shall have been tried and found guilty, but the property so in the custody of such Constable shall not have been included in any Information or Charge or any Indictment upon which he shall have been found guilty; or if the person charged with having stolen, or with having unlawfully or fraudulently obtained such goods as aforesaid shall have escaped and be unknown, leaving behind him at the time of such escape such goods, or if any goods be found by any Constable, and therefore in his custody, and reasonably suspected of having been stolen or having been unlawfully or fraudulently obtained by some person unknown, it shall be lawful for two or more Justices to make an Order for the delivery of such goods to the person who shall in the course of any proceedings before them appear to be the rightful owner thereof; or in case the owner cannot be ascertained then to make such other Order with respect to such goods as to their sale or otherwise as to such Justices shall seem meet; *Provided always*, That no such Order shall be any bar to the right of any person to sue the person to whom such goods shall be delivered, and to recover such goods by action at Law, so that such action be commenced within twelve months next after such Order shall be made.

That when any goods charged or suspected to be stolen or unlawfully or fraudulently obtained shall be in the custody of any Constable or Peace Officer, and of which the owner shall be unknown, it shall be lawful for two or more Justices to order the same to be delivered by such Constable or Peace Officer to a Serjeant of Police; and it shall be lawful for such Serjeant, after the expiration of two months, if during such time no owner shall have appeared to claim the same, to sell or dispose of such goods on a market day in the public Market Place at Kingstown in the said Island of St. Vincent, and the proceeds thereof shall be paid over to such Justices, and by them paid to the Public Treasurer for the public uses of this Government: *Provided always*, That if there should be anything so to be sold of a perishable nature, such Serjeant may, by Order of the said Justices, sell the same and, if among other things, retain the proceeds thereof until the expiration of the said two months in the same manner as such other things and as if it were unsold: *Provided always*, That no sale of goods above the estimated value of Five Pounds shall take place until an advertisement of the sale thereof hath been published in the Official Gazette of the said Government at least six days before such sale, and copies of such advertisement stuck up in conspicuous places in the town of Kingstown aforesaid.

That on an Information being laid on Oath before any Justice of the Peace that there is reasonable cause to suspect that any goods, or any animal, or anything whatever the subject of Larceny by this Act, stolen or otherwise unlawfully obtained, are concealed or lodged in any dwelling-house or in any other place, it shall be lawful for such Justice, by Special Warrant under his hand and seal directed to any Constable or Peace Officer, to cause any such dwelling-house or other place to be entered and searched at any time of the day or of the night, if power for that purpose be given by such Warrant, and such Justice, if it shall appear to him necessary, may empower such Constable or Peace Officer with such assistance as may be found necessary, such Constable or Peace Officer having previously made known such his authority, to use force to effect such entry whether by breaking open doors or otherwise, and if upon search thereupon made any such goods, or animal, or thing shall be found, then to guard the same there, or to convey the same to some place of safety until the person who stole the same, or who otherwise unlawfully obtained the same can be taken before two or more such Justices to be dealt with according to Law; and such Constable or Peace Officer shall take into custody and carry before such Justices every

No. 104.
22nd August, 1854.

possession of a Constable, &c., may be ordered by two or more Justices to be delivered up to the owner, and if no owner can be found, to make other Order.

Proviso.
That no such Order shall be any bar to sue for or recover any such goods.

CL. XLIV.
Goods, &c., stolen and unclaimed may be sold at the expiration of two months, and the proceeds applied to the public uses.

Proviso.
As to anything to be sold of a perishable nature.

Proviso.
As to sale of goods above the estimated value of Five Pounds.

CL. XLV.
Search Warrant may be granted by a Justice of the Peace on an Information on Oath that goods, &c., stolen or unlawfully obtained are concealed in any dwellinghouse, &c.

No. 104.
22nd August, 1854.

Cruelty to animals.

CL. XLVI.
Punishment of any persons wantonly and cruelly beating any cattle, &c., or by negligence in driving, &c., doing any damage, &c.

Proviso.
Nothing herein contained shall prevent any remedy by action.
Preamble.

CL. XLVII.
Punishment of persons taking and using horses, &c., without the consent of the owner.

Proviso.
Nothing herein contained shall prevent any remedy by action.
Nuisances.

CL. XLVIII.
Punishment of persons selling obscene prints and using obscene language, &c.

CL. XLIX.
Punishment of persons using threatening words, &c.

CL. L.
Punishment of persons riding or driving furiously.

CL. LI.
Punishment for negligence and ill-usage in driving cattle, and for wantonly pelting cattle.

person found in such house or other place who shall appear to him to have been privy to such goods being so concealed or lodged in such house or other place, knowing, or having reasonable cause to suspect the same to have been stolen or otherwise unlawfully obtained.

And with respect to Cruelty to Animals:—Be it enacted, That if any person shall wantonly and cruelly beat, ill-treat, abuse, or torture any cattle or domestic animal, every such person, on being convicted thereof, shall be deemed guilty of a Petty Misdemeanour, and shall also pay, as amends to the party aggrieved, the amount of any damage or injury done to any such cattle or other animal: *Provided,* That nothing herein contained shall prevent or abridge any remedy by action against the employer of any such offender, where the amount of the damage is not sought to be recovered by virtue of this Act.

And whereas horses and other animals are frequently taken out of their pastures, enclosures, stables, or other feeding-places, and ridden or used by persons having no property therein, and without the consent of the owner or person entrusted with the charge thereof; *Be it enacted,* That if any person shall catch, take, or drive, or attempt to catch, take, or drive any horse, mare, gelding, filly, colt, mule, or ass, or any cattle, from or out of any pasture, enclosure, stable or other feeding-place, for the purpose of riding any such animal, or of using the same in the carrying of loads or burdens, or in the drawing of carts or carriages, or for the purpose of setting them loose, or of driving them about, or for any other unlawful and mischievous purpose, without the consent of the owner or the person entrusted with the charge of any such animal, and without having any probable claim or pretence of title thereto, every such person being convicted thereof shall be deemed guilty of a Petty Misdemeanour, and shall also pay, as amends to the party aggrieved, the amount of any damage or injury done to any such cattle or other animal: *Provided,* That nothing herein contained shall prevent or abridge any remedy by action against such offender where the amount of the damage is not sought to be recovered by virtue of this Act.

And with respect to certain Public Nuisances in the Streets and elsewhere:—Be it enacted, That every person who shall sell, or distribute, or offer for sale or distribution, or exhibit to public view any profane, indecent, or obscene book, paper, print, drawing, painting, or representation, or who shall sing any profane or obscene song, or ballad; or write or draw any indecent or obscene word, figure, or representation upon any wall, door, window-shutter, pale, or other conspicuous place, or upon any paper and expose the said paper to public view, or use any profane, indecent, or obscene language in any street or in any place and to the annoyance of any other person, shall be deemed guilty of a Petty Misdemeanour.

That every person who shall use to or at any other person any threatening, abusive, or insulting words or behaviour, or shall in any street or other public place use of or concerning or towards any other person any threatening or abusive words, shall be deemed guilty of a Petty Misdemeanour.

That every person who in any street shall ride any horse or other animal, or shall drive any sort of cart or other carriage furiously, or in such manner as to endanger the life or limb of any person, or to the common danger of the passengers there, or who shall by carelessness or wilful misbehaviour cause any injury to any person or property, such person, on being convicted thereof, shall be deemed guilty of a Petty Offence, and shall pay a fine not exceeding the sum of Two Pounds, or be imprisoned for any time not exceeding one month, or may be ordered to pay such fine and be so imprisoned.

That every person who in any street or other public place, by negligence or illusage in driving any cattle, shall cause any mischief, damage, or injury to be done by any such cattle, or who shall by any such negligence or illusage injure or cause to be injured, any such cattle, or who shall in any manner misbehave himself in the driving, care, or management of such cattle, and also every person not being hired or employed to drive any such cattle who shall wantonly and unlawfully throw any stone or other missile at or pelt or drive or hunt any such cattle, shall be deemed guilty of a Petty Misdemeanour.

That it shall be lawful for any Constable or Peace Officer to take into custody, without a Warrant, any person who shall be found drunk in any street, thoroughfare, or public place, or on the premises of any person and there to the annoyance or disturbance of such person or of any inmate of the house or premises of such person; and every person so found drunk being convicted thereof shall pay a fine not exceeding the sum of Ten Shillings; and every person who shall be so found drunk and convicted thereof a third time within the period of six calendar months shall then be taken to be a confirmed drunkard, and shall be deemed guilty of a Petty Misdemeanour, and so on every subsequent conviction; and every person who, while drunk, shall be guilty of any riotous, disorderly, boisterous, or indecent conduct or behaviour, or who shall sing any profane, indecent, or obscene song or ballad, or use any profane, indecent, or obscene language, or any person who shall be guilty of any violent or indecent conduct or behaviour in any Police Station shall be deemed guilty of a Petty Misdemeanour.

That every person who shall, between the hours of sunset and sunrise, wilfully and wantonly disturb any inhabitant by pulling or ringing any door-bell, or knocking at any door without lawful excuse, or roll any hogshead, puncheon, cask, barrel, tub, hoop, or other thing; or drag, pull, push, or otherwise move any heavy substance or thing by which any noise may be wantonly made to the annoyance or disturbance of any inhabitant of any Town, or any passenger or neighbour, shall be deemed guilty of a Petty Misdemeanour.

That it shall be lawful for any Constable or Peace Officer to destroy any dog, or any other animal at large, and which he shall have reasonable cause to suspect to be in a rabid state, or which has been bitten by any dog or other animal which he shall have reasonable cause to suspect to be in a rabid state; and if any such dog or other animal be confined, and the owner of any such dog or other animal shall not destroy or cause such dog or other animal to be destroyed after such dog or other animal shall show evident and distinct symptoms of such dog or other animal being in a rabid state, or to have been bitten by any dog or other animal in a rabid state, [such owner] shall be guilty of a Petty Offence.

That no person, other than persons acting in obedience to lawful authority, shall discharge any cannon or other firearm of greater calibre than a common fowling-piece within three hundred yards of any dwelling-house, to the annoyance or disturbance of any inhabitant thereof; and every person who, after being warned of the annoyance or disturbance by any inhabitant of any house, shall discharge any such firearm, on being convicted thereof shall be deemed guilty of a Petty Offence.

That every Master, mate, or other person in charge of any ship, vessel, boat, barge, or canoe, except Her Majesty's ships, who, while such ship, vessel, boat, barge, or canoe shall be lying and being at anchor, or otherwise, in any bay, creek, inlet, or river which may be adjacent to the land of the said Government, shall keep any gun on board such ship, vessel, boat, barge, or canoe, shotted or loaded with ball, or shall cause or permit to be fired any gun on board any such ship, vessel, boat, barge, or canoe, before sun-rising or after sunsetting, on being convicted thereof shall be deemed guilty of a Petty Offence: and for every gun so kept shotted or loaded shall pay a fine at the rate of Ten Shillings for every such gun, and for every time any such gun shall be so fired shall pay a fine at the rate of Twenty Shillings, or be imprisoned or pay such sums by way of fine, and be so imprisoned.

That every person who shall commit any of the following Petty Offences, on being convicted thereof, shall, for any such Petty Offences pay a fine not exceeding the Sum of Two Pounds, or be imprisoned for any time not exceeding the period of one month, or pay such fine and be so imprisoned.

1. Every person who shall in any Town expose for show or sale any horse or other cattle, except in a Market or Market Place or other convenient place used for that purpose, or who shall in any street or public place, to the annoyance of any person, feed, fodder, farry, shoe, or bleed any horse or other cattle, except in case of accident, or clean, dress, exercise, train, or break any horse or other cattle.

No. 104.
22nd August, 1854.

CL. LII.
Punishment of drunkards, and when guilty of riotous conduct, and power of Constable, &c.

CL. LIII.
Punishment of persons wilfully ringing at door-bells, &c., between sunset and sunrise.

CL. LIV.
Punishment of owners of mad dogs under certain circumstances, if confined and not destroyed, and Constables, &c., may destroy such dogs if at large.

CL. LV.
Punishment of persons discharging cannon or other firearms, &c., within 300 yards of any dwelling-house.

CL. LVI.
Punishment for having on board ship guns loaded with ball, or discharging them during the night.

CL. LVII.
Punishment of persons committing certain Petty Offences or Nuisances.

As to exposing for sale horses, &c.

No. 104.
22nd August, 1854.

As to turning loose horses, &c.

As to dogs being at large in a rabid state.

As to directing dogs to be confined on suspicion of madness.

As to persons having the care of carts, &c., riding without reins.

As to carts, &c., causing obstruction on footways.

As to persons riding on footways.

As to persons rolling hogsheads, &c., on footways.

As to persons without consent posting bills, &c., on any building, &c.

As to common prostitutes.

As to any person wantonly blowing any horn, &c.

As to any person wantonly discharging any firearm, &c.

2. Every person who shall turn loose any horse or other cattle, or suffer to be at large any unmuzzled ferocious dog, or set on or urge any dog or other animal to attack, worry, or put in fear, any person, horse, or other cattle.
3. Every owner of any dog or other animal who shall suffer such dog or other animal to go at large, knowing or having reasonable ground for believing it to be in a rabid state, or to have been bitten by any dog or other animal in a rabid state.
4. Every person who, after public notice given by any two or more Justices of the Peace directing dogs or other animals to be confined on account of suspicion of canine madness, shall suffer any dog or other animal to be at large during the time specified in such notice.
5. Every person having the care of any cart or other carriage who shall ride on any part thereof, or on the shafts or on any horse or other animal drawing the same, without having and holding the reins, or who shall be, if on foot, at such distance from such cart or other carriage as not to have the complete control over every horse or other animal drawing the same, or who does not, in meeting any other cart or other carriage, keep his cart or other carriage to the left or near side, or who in passing any other cart or other carriage does not keep his cart or other carriage on the right or off-side, except in cases of actual necessity or some sufficient reason for deviation, or who by obstructing the street wilfully prevents any person or cart or other carriage from passing him or any cart or carriage under his care.
6. Every person who shall cause any cart, carriage, sledge, truck, or barrow, with or without horses, to stand longer than may be necessary for loading or unloading, getting into, or alighting from, or who by means of any cart, carriage, sledge, truck, or barrow, or any horse or other animal, shall wilfully intercept or obstruct any public crossing, or wilfully cause any obstruction in any public footway or other public thoroughfare.
7. Every person who shall lead or ride any horse or other animal, or draw or drive any cart, carriage, sledge, truck, or barrow, upon any footpath or kerbstone, or fasten any horse or other animal in such manner that it can stand across or upon any footway.
8. Every person who shall roll or carry any hogshead, puncheon, barrel, cask, tub, hoop, or wheel, or any ladder, plank, pole, timber, showboard, or placard upon any footway, except for the purposes of loading or unloading any cart or carriage, or of crossing the footway.
9. Every person who without the consent of the owner or occupier shall affix any posting-bill or other paper against or upon any building, wall, fence, pillar, post, or pale, or write upon, soil, deface, or mark any such building, wall, fence, pillar, post, or pale with chalk or paint, or in any other way or with any other material, or wilfully break, destroy, or damage any part of any such building, wall, fence, pillar, post, or pale, or any fixture or appendage thereunto.
10. Every common prostitute or night-walker loitering and importun[ati]ng passengers for the purposes of prostitution.
11. Every person who shall wantonly blow any horn, or use any other noisy or offensive instrument, or use or sound noisily, unskilfully, or offensively any musical instrument for the purpose of calling persons together, or in any manner to the annoyance or disturbance of any neighbour or other person.
12. Every person who shall wantonly discharge any firearm, or throw or discharge any stone or other missile to the damage or danger or annoyance of any person, or who shall in any street or public place in any Town make any bonfire, or throw when lighted, or set fire to, any firework.

13. Every person who shall in any street or in any Town fly any kite, or play at any game, or troll any hoop. No. 104.
22nd August, 1854.
14. Every person who shall in any part of any Town or place immediately adjacent thereto light or cause to be lighted any fire, or carry any lighted torch or candle or other lighted thing, or any fire through the same, unless secured in a lantern or some other safe thing in which it may be conveyed. As to flying kites, &c.
As to carrying a light except in a lantern.
15. Every person who shall in any part of any Town or place immediately adjacent thereto make or cause to be made any fire in the yard or other part of any house or premises except the kitchen, whereby such town or any house or other building, shed, or out-house in the same or in the immediate vicinity thereof or adjacent thereto may be endangered. As to making a fire elsewhere than in a kitchen.
16. Every person who shall wantonly disturb any inhabitant of any house by pulling or ringing any door-bell, or knocking at any door without lawful excuse between the hours of sunrise and sunset. As to wantonly ringing door-bells.
17. Every person who shall, after being warned of the annoyance by any inhabitant of any house or by any neighbour, wilfully or wantonly hum or utter by unintelligible or unmeaning sounds or noises any tune or song in a boisterous, noisy, discordant, or unseemly manner, between the hours of sunset and sunrise, in any manner to the annoyance or disturbance of any such inhabitant or neighbour. As to making unmeaning noises between sunset and sunrise.
18. Every person who shall in any street or public place in any Town cleanse, fire, wash, or scald any cask or tub, or hew, saw, bore, or cut any timber, or stone, or slack, sift, or screen any lime. As to washing, &c.,
casks, &c.
19. Every person who shall in any street or public place throw or lay any coals, stones, slates, shells, lime, bricks, timber, iron, or other materials, except building materials or rubbish thereby occasioned which shall be placed or enclosed so as to prevent any mischief happening to any inhabitant or passenger. As to throwing coals, &c.
20. Every occupier of any house or other tenement situate in any Town, or in any place immediately adjacent thereto, who shall not keep sufficiently swept and cleaned all footways and watercourses belonging and adjoining to the premises occupied by him, and if any house or other tenement be empty or unoccupied, the owner thereof shall for such purpose be deemed the occupier of such house or tenement. As to sweeping footways, &c.
21. Every person who wilfully and indecently exposes his person. As to exposing person.
22. Every person who throws or lays any dirt, litter, ashes, or night-soil, or any carrion, fish, offal, or rubbish on any street or any public place, or causes any offensive matter to run from any slaughter-house, butcher's-shop, stall, or dunghill into any street or public place in any town. As to throwing dirt, &c., in any street, &c.
23. Every person who places or leaves any furniture, goods, wares, or merchandise, or any cask, hogshead, puncheon, barrel, basket, pail, or bucket, or who places or uses any standing-place, stool, bench, stall, or showboard on any footway, or who places any blind, shade, covering, awning, or other projection over or along any such footway, unless such blind, shade, covering, awning, or other projection is six feet six inches in height at least in every part thereof from the ground. As to leaving goods, &c., on any footway.
24. Every person who at one time drives more than two carts, and every person driving two carts who has not the halter of the horse in the last cart securely fastened to the back of the first cart, or has such halter of a greater length from such fastening to the horses' heads than four feet. As to driving two carts at one time.
25. Every person who shall place, hang up, or otherwise expose to sale in any Town any goods, wares, merchandise, matter, or thing whatsoever, so that the same project into or over any footway or beyond the line of any house, shop, or building at which the same

No. 104.
22nd August, 1854.

As to beating mats,
&c.

Places of public resort.
Preamble.

CL. LVIII.
Punishment of the
owner, &c., or keepers
of any Common Gam-
ing House.

And of persons found
there.

Proviso.
Nothing herein to
prevent proceedings
by Indictment.

CL. LIX.
Definition of a Com-
mon Gaming-House.

CL. LX.
In support of an In-
formation or Charge,
the proof of gaming
for money not neces-
sary.

CL. LXI.
Punishment of dealers
in spirituous liquors,
or other persons who
open their houses on a
Sunday, Christmas
Day, or Good Friday,
for the sale of wine,
&c.

are so exposed, so as to obstruct or incommode the passage of any person over or along any footway.

26. Every person who shall, in any street or public place in any Town, beat or shake any mat after the hour of seven of the clock in the morning.

And with respect to Common Gaming Houses, Places of Public Resort, Public or Subscription Dances and Wakes:—Whereas by a certain Act made and passed by the said Legislature, and which may be cited as “The Police Act, 1853,” it is enacted that, on a report as therein mentioned being made to any Magistrate that there are good grounds for believing any house or room within the District of such Magistrate is used as a Common Gaming House, it shall be lawful for such Magistrate by an Order in writing to authorize any Constable to enter any such house or room and to take into custody all persons who shall be found therein, and to seize and destroy all tables and instruments of gaming, and to seize all moneys and securities for money, and the owner or keeper of such Gaming House, or other person having the care or management thereof, and also every banker, croupier, or other person in any manner conducting the same: *Be it enacted*, That every owner or keeper of any Common Gaming House, or other person having the care or management thereof, and every banker, croupier, or other person who shall in any manner be found conducting the same, on an Information being laid or Charge made against any or either of such persons, and on any or either of such persons being convicted thereof, shall be deemed guilty of a Petty Misdemeanour, and all the moneys and securities for moneys which shall have been seized by such Constable shall be forfeited on any such Conviction, and shall be paid to the Constable to whom such Order as afore- said may have been directed and such other Constable as may have accom- panied him, in such proportions as any two or more Justices of the Peace by whom any such Information or Charge as aforesaid may have been heard, tried, and determined, may order and direct; and every person found in any such Common Gaming House or room without lawful excuse, on any Information being laid or Charge made against any such person, on being convicted thereof, shall be deemed guilty of a Petty Offence: *Provided always*, That nothing herein contained shall prevent any proceedings by Indictment against the owner or keeper, or other person having the care or management of any Common Gaming House; but no person shall be proceeded against by Indictment and also under this Act for the same offence.

That, for the purposes of this Act, a Common Gaming House shall be taken to be any house, or any room in any house, kept by the owner or other person for the purpose of games of chance or other unlawful games being played therein, either by persons frequenting any such house or any such room in any house playing together or one with the other, by persons therein who shall lay down, stake, wager, or bet any money, or any counter used as a token for money, with or against the owner, banker, croupier, or other person who shall act in any manner in conducting any such house or any such room in any house in respect to such games.

That it shall not be necessary, in support of any Information or Charge for gaming in or suffering any games or gaming in, or for keeping, or using, or being concerned in the management or conduct of, any Common Gaming House under this Act, to prove that any person found playing at any game was playing for any money, wager, or stake.

That if any licensed retail dealer in spirituous or fermented liquors or other person shall open or cause to be opened his house, shop, or store for the sale of wine, spirits, beer, or other fermented or distilled liquors on any Sunday, Christmas Day, or Good Friday, on being convicted thereof for the first time, [he] shall be deemed guilty of a Petty Offence; and if any such licensed retail dealer or other person be convicted thereof a second time he shall be deemed guilty of a Petty Misdemeanour; and the two or more Justices of the Peace before whom such second conviction shall take place shall also Order, in the case of such licensed retail dealer, that the licence of such licensed retail dealer shall cease and determine; and a copy of such Order shall be

filed in the office of the said Treasurer, and the Bond given by such licensed retail dealer shall nevertheless remain in force for six months after the date of such Order, so as to secure any Penalties, Fines, or Forfeitures that may be due or arise thereon; and unless the said Treasurer shall commence proceedings on the said Bond within the period of six months next after the day of the date of such Order the said Bond shall be deemed void and cancelled, and the sureties thereto shall be discharged: *Provided always*, That nothing herein contained shall extend to prevent Hotel-keepers from opening or causing to be opened their houses for the purpose of affording necessary refreshment to the public on Sundays, Christmas Days, and Good Fridays.

That if any licensed retail-dealer in spirituous liquors, or any servant employed by him, shall knowingly supply any sort of distilled liquor to any boy or girl apparently under the age of twelve years, to be drunk on the premises, on being convicted thereof for the first time, [he] shall be deemed guilty of a Petty Offence; and if any such licensed retail-dealer, or any servant employed by him, be convicted thereof a second time he shall be deemed guilty of a Petty Misdemeanour, and the two or more Justices before whom such second Conviction shall take place shall also Order that the licence of such licensed retail-dealer shall cease and determine; and a copy thereof shall be filed, and the Bond given shall remain in force, and proceedings shall be commenced thereon in the manner hereinafter mentioned.

That every person who shall keep, or use, or act in the management of any house, room, pit, yard, or other place, for the purpose of fighting or baiting cocks, dogs, or other animals, on being convicted thereof shall be deemed guilty of a Petty Misdemeanour, and it shall be lawful for the Serjeant of Police or any Corporal of Police to enter any premises kept or used for any of the purposes aforesaid and take into custody all persons who shall be found therein without lawful excuse, and every person so found therein, on being convicted thereof, shall be deemed guilty of a Petty Offence: *Provided always*, That a Conviction under this Act shall not exempt the owner, keeper, or manager of any such house, room, pit, yard, or other place from any penalty or penal consequences to which he may be liable for the nuisance thereby occasioned.

And whereas Public or Subscription Dances are sometimes held in some of the Towns within the said Government, to the encouragement of immorality and disorder, and which, from the lateness of the hour to which they are kept up, greatly tend to the annoyance and disturbance of the more quiet inhabitants: *Be it enacted*, That every house or room situate in any of the Towns within the said Government, or situate on land which may hereafter be included within any such Town, in which any Public or Subscription Dance may be held, and for the entrance to which, or for dancing therein, any sum may, either at the time of entrance or previous to such dancing after entrance, be paid by any person to the occupier, tenant, hirer for the night, musician, or other person having the possession, care, or management of the same, shall be closed at the hour of twelve of the clock at night; and if any such house or room be open after the hour of twelve of the clock at night, and dancing be continued therein, it shall be lawful for any Constable, upon complaint being made to him by any person resident in the neighbourhood of such house, or by any Townwarden, to enter the same, and if the occupier, tenant, hirer for the night, musician, or other person, after being warned by such Constable to close such house or room, do not forthwith close the same and cause the dancing therein to cease, to take into custody, if unknown, such occupier, tenant, hirer for the night, musician, or other person, and shall also take into custody every person, if unknown, being therein after such hour as aforesaid, who shall not quit the same forthwith upon being requested by such Constable so to do; and the occupier, tenant, hirer for the night, musician, or other person then having the possession, care, or management of the same, shall be liable to pay for the said Petty Offence a fine not exceeding the sum of Two Pounds, or be imprisoned for any time not exceeding the period of one month, or pay such fine and be so imprisoned; and every person who may be therein, and who shall not quit the

No. 104.
22nd August, 1854.

Proviso.
Not to prevent Hotel-keepers from opening their houses on Sundays, &c., for the sale of wines, &c.

CL. LXII.
Punishment of Dealers in spirituous liquors for supplying liquors to children under twelve years of age to be drunk on the premises.

CL. LXIII.
Punishment of persons keeping any house, &c., for fighting cocks, dogs, &c.

Proviso.
Conviction under this Act not to exempt the owner of house from other penal consequences.

Preamble

CL. LXIV
Punishment of persons having public or subscription dances, if continued beyond the hour of 12 of the clock at night.

No. 104.
22nd August, 1854.

Preamble.

CL. LXV.
Punishment of persons attending wakes in any street, &c., after being requested to depart.

same on being so requested as aforesaid, on being convicted thereof, shall pay for such Petty Offence a fine not exceeding the sum of One Pound, or be imprisoned for any time not exceeding fourteen days, or pay such fine and be so imprisoned.

And whereas the custom of Wakes, and the habit of large numbers of persons in the several Towns within the said Government assembling round about the houses of other persons having Wakes within their houses, on the decease of some relative or friend, sometimes leads to disorderly conduct, inebriety, and other inconveniences, to the annoyance and disturbance of some of the inhabitants thereof: *Be it enacted*, That it shall be lawful for any Constable, after the hour of ten of the clock at night, to request all persons whom he may find collected together immediately outside of any house or room in which persons may be attending any Wake, in any street, forthwith to depart therefrom, and all whom he may find collected together as aforesaid in any other public place, to the annoyance or disturbance of any inhabitant or neighbour in like manner to depart therefrom; and after being so requested by such Constable if any person shall continue in such street or other public place as aforesaid, it shall be lawful for such Constable to take into custody, if unknown, such person; and such person, on being convicted thereof, shall pay a fine not exceeding the sum of Ten Shillings, or be imprisoned for any time not exceeding the period of Seven days, or pay such fine and be so imprisoned.

Swine.

Preamble.

CL. LXVI.
Punishment for keeping any pig in any town within the said Government.

And with respect to the keeping of any Swine in any Town:—Whereas the keeping of pigs in Towns, in a tropical climate, is considered prejudicial to the health of the inhabitants of such Towns: *Be it enacted*, That it shall not be lawful for any person to keep any pig in any of the Towns within the said Government, or on land which may hereafter form a part of any such Towns, that is to say—Kingstown, Calliaqua, Georgetown, New Edinburgh, Layou, Barrouallie, Chateaubellair, or the Town of Bequia; and every person in whose possession any pig may be found, except in going to or coming from and while at market, or in the custody of the Police as hereinafter mentioned, or in being taken through any such Town, shall, for every pig so found in his possession, and being convicted thereof, be deemed guilty of a Petty Offence, and shall pay a fine not exceeding the sum of Two Pounds, or be imprisoned for any time not exceeding one month, or pay such fine and be so imprisoned.

CL. LXVII.
Any pig brought into any town for sale to be confined in the Market Place or the place used as such.

That if any pig shall be brought into any such Town to be sold, such pig shall be forthwith conveyed to the Market Place or the place used as such, and be there confined in some fit place to be provided by the Townwardens of such Town for such purpose; and no pig shall be allowed to remain in such Market Place or other place used as such, except between the hours of six of the clock in the morning and six of the clock in the afternoon, and except when any pig may be in the custody of the Police force for the purpose of being sold as hereinafter mentioned.

CL. LXVIII.
Any Constable to seize any pig in any street, &c., in any town, and if untied, to follow the same into any premises.

That it shall be lawful for, and every Constable is hereby required to seize every pig which he may find at any time in any street, except when being conveyed for sale to the Market Place or to the place used as such, or to the slaughter-house, and, if untied, to follow any such pig into any premises in order to seize the same, and any pig he may find in the Market Place or the place used as such between the hours of six of the clock in the afternoon and six of the clock in the morning, except when any pig may be in the custody of the Police force for the purpose of being sold as hereinafter mentioned.

CL. LXIX.
A Justice of the Peace may issue a Warrant to search the premises of any person suspected of having a pig in his possession.

That on an Information being laid on Oath before any Justice of the Peace that there is reasonable cause to suspect that any pig is in the possession of or kept by any person in any part of any such Town as aforesaid, it shall be lawful for such Justice to issue a Warrant under his hand directed to any Constable, to search the premises of the person so suspected, and if any pig shall be found therein to seize and sell the same as hereinafter mentioned.

CL. LXX.
Any pig seized, to be sold in the Market

That every pig so seized as aforesaid shall be forthwith conveyed by such Constable to the Police Station of the said Town, and shall there, or in

some other convenient place, be kept until sold, and the same shall be sold in the Market Place of such Town or the place used as such by a Corporal of Police, or, in case of his absence, by the Senior Constable, within Twenty-four hours after such pig shall have been so seized, and the proceeds of the same [*sale*] shall be forthwith paid over by him to the said Justice of the Peace.

That the proceeds of the pigs so seized and sold as aforesaid, and one half of the fines so paid as aforesaid, shall be paid to the Constable by whom any such pig shall be seized, or who shall convict any person of the Petty Offence of having a pig unlawfully in his possession in such Town as aforesaid, and the other half of such fines shall be paid to the Public Treasurer, for the public uses of the said Government.

And with respect to Idle and Disorderly Persons and Vagabonds:—Be it enacted, That every person who shall in any public place, street, or place of public resort behave in a riotous, or indecent, or quarrelsome manner, and so as by violent vociferation or loud and boisterous language to annoy any person living or being in any town, shall be taken to be an idle and disorderly person, and on being convicted thereof shall be deemed guilty of a Petty Misdemeanour, and shall pay a penalty not exceeding the sum of Two Pounds, or be imprisoned with or without hard labour for any time not exceeding one month, or pay such penalty and be so imprisoned.

That any person wandering about and lodging in any mogass, house, mule- or cattle- pen, or under any open shed, or any unoccupied or deserted building, or in the open air, not having any visible means of subsistence, and not giving a good account of himself, shall be taken to be a Vagabond, and on being convicted thereof shall be deemed guilty of a Petty Misdemeanour.

That any person who shall wilfully, openly, lewdly, or obscenely expose his person in any street, public place, road, or public highway, or in the view thereof, or in any place of public resort or elsewhere, with intent to insult any female, shall be taken to be a Vagabond, and on being convicted thereof shall be deemed guilty of a Petty Misdemeanour.

That any person who shall leave his wife or child, or any woman who shall leave her child without the means of subsistence, and whereby such wife or child, or child only, as the case may be, [*is*] exposed to want or may perish for the want of sustenance, shall be taken to be a Vagabond, and on being convicted thereof shall be deemed guilty of a Petty Misdemeanour.

That any person having in his custody any picklock-key, crowbar, crow-jack, bit, or other implement, with intent feloniously to break into any dwelling-house, warehouse, storeshop, boiling-house, curing-house, still-house, coach-house, stable, outhouse, or any outbuilding, or being armed with any gun, pistol, sword, cutlass, bludgeon, or other offensive weapon, or having upon him any instrument, with intent to commit any felonious act, shall be taken to be a Vagabond; and on being convicted thereof shall be deemed guilty of a Petty Misdemeanour.

That any person being found in or upon any dwelling-house, warehouse, storeshop, boiling-house, curing-house, still-house, coach-house, stable, outhouse, or any outbuilding, or in any enclosed yard, garden, or other enclosed place adjoining any dwelling-house, for any unlawful purpose, or not giving a good account of himself, shall be taken to be a Vagabond, and on being convicted thereof shall be deemed guilty of a Petty Misdemeanour.

That any person who shall be found in the act of attempting to commit any Felony shall be taken to be a Vagabond, and on being convicted thereof shall be deemed guilty of a Petty Misdemeanour.

And with respect to Assaults on Constables and Peace Officers, and persons who may refuse to aid them, and the punishment of Constables:—Be it enacted, That if any person shall assault, beat, resist, or in any manner impede, or shall aid, incite, or assist any person to assault, beat, resist, or in any manner impede, any Constable or Peace Officer in the execution of his duty, or if any person shall rescue or attempt to rescue any other person taken into custody, or the goods of any other person levied on under any process by virtue of any Act of the said Legislature now in force, or hereafter to be in

No. 104.
22nd August, 1854.

Place by a Corporal of Police.

CL. LXXI.
Application of the proceeds of pigs sold and of the sums forfeited and paid.

Idle Persons and Vagabonds.

CL. LXXII.
Punishment of any person who behaves in a riotous or indecent manner in any street, &c.

CL. LXXXIII.
Punishment of persons wandering about, &c., and not giving a good account of themselves.

CL. LXXIV.
Punishment of persons who wilfully expose their persons to insult any female.

CL. LXXV.
Punishment of any person who shall leave his wife, &c., without the means of subsistence.

CL. LXXVI.
Punishment of persons having in their custody any picklock, &c.

CL. LXXVII.
Punishment of persons found in any dwelling-house, &c., for any unlawful purpose.

CL. LXXVIII.
Punishment of persons found in the act of committing any Felony.
Assaults on Constables.

CL. LXXIX.
Punishment of persons who assault Constables or Peace Officers.

No. 104.
22nd August, 1854.

CL. LXXX.
Punishment of persons
who refuse to aid or
assist any Constable or
Peace Officer.

force within the said Government, giving summary jurisdiction to Justices of the Peace, or shall aid, incite, or assist any person in making or attempting to make such rescue, every such person shall be deemed guilty of a Petty Misdemeanour, and such Offender may be adjudged to pay a penalty for such Petty Misdemeanour not exceeding the sum of Ten Pounds, instead of any penalty limited to any lesser amount.

That if any person shall neglect or refuse to aid and assist any Constable or Peace Officer or any other person, when called upon by any Constable or Peace Officer or other person, either to apprehend or keep in custody any person found committing any Felony or any Indictable Misdemeanour or any Petty Misdemeanour, or who shall be reasonably charged to any Constable with the commission of any Felony or Indictable Misdemeanour, or with any Petty Misdemeanour, or with any Petty Offence or other offence, and the person so committing such Petty Offence or other offence be unknown, every such person who shall so neglect or refuse, on being convicted thereof shall be deemed guilty himself of a Petty Misdemeanour.

CL. LXXXI.
Punishment of Con-
stables for neglect of
duty.

That every Constable who shall be guilty of any misconduct, or any neglect or violation of duty, in his office of Constable shall be deemed guilty of a Petty Misdemeanour, and, in addition thereto, shall forfeit so much of his salary as may be due to him at the time of conviction of any such misconduct, neglect, or violation of duty.

CL. LXXXII.
Punishment of any
Constable who with-
draws from his duties
contrary to the provi-
sions of the Police Act,
1853.

That if any Constable shall withdraw himself from the duties of his appointment, contrary to the provisions of "The Police Act, 1853," he shall forfeit any salary or wages then due to him, and, on being convicted thereof, shall be deemed guilty of a Petty Offence.

CL. LXXXIII.
Punishment of dealers
in spirituous liquors,
&c., who harbour Con-
stables during the
time of their being on
duty.

That if any dealer in spirituous liquor, or keeper of any house, shop, store, room or other place for the sale of any liquor, whether spirituous or otherwise, shall knowingly harbour or entertain any Constable, or permit such Constable to abide or remain in his house, shop, store, room, or other place, during any part of the time appointed for his being on duty, every such dealer in spirituous liquors or keeper as aforesaid, being convicted thereof, shall be deemed guilty of a Petty Offence.

Common Assaults.
Preamble.

CL. LXXXIV.
Punishment for Com-
mon Assaults.

And with respect to Common Assaults:—Whereas it is expedient to make other provisions in cases of Common Assaults and Batteries: Be it enacted, That if any person shall unlawfully assault or beat any other person, and any Information or Charge be made by the person aggrieved, on the Oath of such person or of any other person, every such person charged being convicted thereof shall be deemed guilty of a Petty Misdemeanour; and it shall be lawful for the two or more Justices of the Peace who may hear, try, and determine such Information or Charge to order such offender, if they think fit, to pay as amends to the person aggrieved such sum of money for any injuries received as such Justices may think fair and reasonable; but if the Justices, upon the hearing of any such case of Assault or Battery, shall consider the offence not to be proved, or shall find the Assault or Battery to have been justified, or so trifling as not to merit any punishment, and shall accordingly dismiss the Information or Charge, they shall forthwith, on the application of the person against whom the Information or Charge was preferred, make out a Certificate under their Hands stating the fact of such dismissal, and shall deliver the same to the person making such application, who shall, on having obtained such Certificate, be released from all further or other proceedings, civil or criminal, for the same cause.

CL. LXXXV.
These provisions not
to apply to aggravated
cases of assault.

That in case such Justices shall find the Assault or Battery complained of to have been accompanied by any attempt to commit a Felony, or shall be of opinion that the same is from any other circumstances a fit subject for a Prosecution by Indictment, they shall abstain from any adjudication thereupon, and shall deal with the case in all respects in the same manner as they would have done before the passing of this Act or the Act intituled "An Act to extend parts of certain Acts of the Imperial Parliament to these Islands for the Administration of Criminal Justice:" *Provided also,* That nothing herein contained shall authorize any such Justices to hear, try, and determine any case of Assault and Battery in which any question shall arise

Proviso.
As to cases in which
any question of title
shall arise.

as to the title to any Lands, Tenements, or Hereditaments, or any interest therein or accruing therefrom, or any Execution under the process of any Court of Justice.

And with respect to Petty Trespasses without any sensible injury :—Whereas it sometimes happens that illegal, annoying, offensive, and aggravating Petty Trespasses are committed tending to provoke a breach of the peace, or whereby a breach of the peace may be occasioned, and for which no other remedy exists than an Action at Law :—*Be it enacted*, That if any person shall commit any Trespass by entering the house, room, lodging, land, or premises of any other person, and shall continue therein or thereon after having been requested to depart, or shall repeat such Trespass after being warned not so to do, every such person being convicted thereof shall be deemed guilty of a Petty Offence, and shall pay a Fine not exceeding the sum of Two Pounds, or be imprisoned for any time not exceeding one month, or pay such Fine and be so imprisoned although no special or sensible damage may be committed by such person so trespassing as aforesaid : *Provided always*, That nothing herein contained shall authorize any two or more Justices of the Peace to hear, try, and determine any case of Petty Trespass in which any question shall arise as to the title of any Lands, Tenements, or Hereditaments, or any interest therein or accruing therefrom, or any execution under the process of any Court of Justice.

And whereas it also sometimes happens that illegal, annoying, offensive, and aggravating Petty Trespasses are committed upon the goods of other persons tending to provoke a breach of the peace, or whereby a breach of the peace may be occasioned, and for which no remedy whatever exists : *Be it enacted*, That if any person shall wilfully or maliciously commit any Trespass upon, or shall in any way damage, injure, spoil, or destroy the goods belonging to or in the possession of any other person, or to which any other person may have the right of possession, notwithstanding such goods shall not be of any pecuniary or saleable value or of any value whatever, except to the person to whom they belong or in the possession of whom they may be or in whom exists the right of possession, every such person being convicted thereof shall be deemed guilty of a Petty Offence and shall pay a Fine not exceeding the sum of Two Pounds, or be imprisoned for any time not exceeding one month, or pay such Fine and be so imprisoned, although no pecuniary damage to any such goods may be committed by such person so trespassing as aforesaid.

And with respect to Juvenile Offenders :—Whereas it is expedient in respect to Juvenile Offenders to make other provisions than those hereinbefore or hereinafter mentioned : *Be it enacted*, That if any person being a male and being or appearing to be under the age of fourteen years, shall be convicted of any Petty Misdemeanour or Petty Offence or other Offence under this Act, or any Act now or hereafter to be in force within the said Government, it shall be lawful for any two or more Justices by whom such person may be convicted, instead of ordering the payment of any Penalty, Fine, or other sum of money or any imprisonment with or without hard labour, to order that such person should find a surety or sureties to keep the peace and be of good behaviour for such time as such Justices may think fit, or that such person shall be whipped in such manner as hereinafter mentioned and be discharged, or imprisoned in the Common Gaol at Kingstown in the Island of St. Vincent for any time not exceeding the period of fourteen days, and to be once or twice so whipped ; if once, on his coming out of the said Gaol, and if twice, on his going in and on his coming out ; and such person may also be ordered to be placed in solitary confinement for any period not exceeding twenty-four hours on different days during such imprisonment, and on no day to exceed a period of six consecutive hours ; and if such person be ordered to be whipped only, the whipping shall consist of six lashes ; if to be well whipped, the whipping shall consist of nine lashes ; and if to be severely whipped, the whipping shall consist of twelve lashes ; and such whippings, if inflicted in the said Gaol, shall be inflicted by one of the Turnkeys in the said Gaol in the presence of the Gaoler and a Corporal of Police ; or such whipping, if inflicted at any Station in any other

No. 104.
22nd August, 1854.

Petty Trespasses.
Preamble.

CL. LXXXVI.
Punishment of persons committing Petty Trespasses, although no special or sensible damage may be committed.

Proviso.
As to cases in which any question of title shall arise.

Preamble.
CL. LXXXVII.
Punishment of persons committing any Trespass to goods although of no pecuniary value.

Juvenile Offenders.
Preamble.

CL. LXXXVIII.
Juvenile offenders may be whipped and discharged, or imprisoned with or without solitary confinement, and may be whipped.

No. 104.
22nd August, 1854.

District, shall be by a Constable in the presence of the other Constables attached to such Station; and the instrument to be used shall be a rod or rods to be approved of by the Justices of the Peace by whom such person, being a male, may be so convicted; and the surety or sureties, or the father or the mother, if sole and unmarried or a widow, or if the mother be dead the reputed father, or the person in the place of a parent of such offender shall, if ordered, pay such amends as may be so ordered to the person aggrieved by the commission of such offence, and the costs also, if ordered, and if not paid at the time of the conviction, or at such other time as the Justices at the time of such conviction may appoint, the person aggrieved may sue such surety or sureties, father or mother, or reputed father, or the person in the place of a parent, and recover the same as a debt in any Court within the said Government in which debts may be by Law recovered, with the Costs of Suit according to the practice of such Court.

Threatening Informations, &c.

CL. LXXXIX.
Punishment of persons for obtaining money by threatening an Information or Charge.

And with respect to Threatening or Compounding Informations, &c., and Abettors:—Be it enacted, That any person who shall obtain any sum of money or other reward from any person by threatening, directly or indirectly, to lay any Information or make any Charge before any Justice of the Peace for any Petty Misdemeanour or Petty Offence or other Offence, or as an inducement to forbear to lay such Information or make such Charge, on being convicted thereof shall be deemed guilty of a Petty Misdemeanour.

CL. XC.
Punishment of Informers for compounding, &c., any Information or Charge.

That in case any person shall lay any Information or make any Charge before any Justice of the Peace for any Petty Misdemeanour or Petty Offence or other Offence alleged to have been committed by which he was not personally aggrieved, and shall afterwards directly or indirectly receive, without the permission of any two or more such Justices by whom the Information or Charge was to be heard and determined, any sum of money or other reward for compounding, delaying, or withdrawing the Information or Charge, [such person] on being convicted thereof, shall be deemed guilty of a Petty Misdemeanour.

CL. XCI.
Punishment of Aiders, &c., the same as principal offender.

That if any person shall aid, abet, counsel, or procure the commission of any Petty Misdemeanour or Petty Offence or other Offence by this Act punishable, every such offender shall on conviction thereof be liable, for every offence of aiding, abetting, counselling or procuring, to the same Penalty, Fine, Forfeiture and Punishment as that to which any person guilty of any Petty Misdemeanour or Petty Offence or other Offence as a principal offender is by this Act made liable.

Detaining goods, &c.

CL. XCII.
Any two or more Justices of the Peace may order the delivery of goods, &c., unlawfully detained.

And with respect to illegally Detaining Goods, and Compensation for any Hurt, &c.:—Be it enacted, That upon Complaint or Charge made by any person claiming to be entitled to the property or possession of any goods which are detained by any other person, the value of which shall not be greater than Fifteen Pounds, and not being Deeds, Muniments, or Papers relating to any property of greater value than Fifteen Pounds, it shall be lawful for two or more Justices of the Peace, on hearing such Complaint or Charge, to inquire into the title thereto or to the right of possession of the same; and if it shall appear to such Justices that, after demand has been made for the same by the person by whom such Complaint or Charge has been made, such goods have been detained by the person against whom such Complaint or Charge has been made without just cause, or that the person detaining such goods has a lien upon or a right to detain the same by way of security for the payment of money or the performance of any act by the owner thereof, it shall be lawful for such Justices to order such goods to be delivered to the owner thereof or to the person entitled to the possession of the same, absolutely or upon tender of such amount as shall appear to such Justices to be due by such owner or by the person entitled to the possession of the same, together with the costs of the Complaint or Charge, if ordered; and which amount and costs such Justices are hereby authorized to determine, or upon the performance, or upon the tender and refusal of the performance of the act for the performance of which such goods may have been detained as security; or, if such act cannot be performed, then upon tender of amends for non performance thereof, the nature or amount of which amends such Justices

are hereby also authorized to determine, [and] every person who shall neglect or refuse to deliver up such goods according to such Order shall pay as amends to the person aggrieved the full value of such goods, not being greater than the sum of Fifteen Pounds, and the costs of the Complaint or Charge, if ordered, such value and costs to be determined by such Justices: *Provided always*, That no such Order shall bar any person from recovering the goods so delivered by suit or action at Law from the person to whose possession such goods shall come by virtue of such Order, so that such action be commenced within six months next after such Order shall be made.

That any artificer, workman, journeyman, apprentice, servant, labourer, or other person who shall unlawfully dispose of or retain in his possession, without the consent of the person by whom he shall be hired, retained, or employed, any goods not exceeding in value Five Pounds committed to his care or charge shall be deemed guilty of a Petty Offence, and shall pay a Fine not exceeding the sum of Two Pounds, or be imprisoned for any time not exceeding the period of one month, or pay such Fine and be so imprisoned; and shall also pay, as amends to the person aggrieved, the value of that which has been so disposed of, or not returned uninjured within such period as the Justices at the time of conviction may appoint; and if any person so convicted shall afterwards be guilty of any of the said offences and shall be convicted thereof, any such offender shall also be deemed guilty of a Petty Offence, and shall then become liable to the full extent of punishment of a Petty Offence, and shall also pay, as amends to the person aggrieved, the value of that which has been so disposed of or not returned uninjured within such period as the Justices at the time of conviction may appoint.

That if any person, by committing any offence under this Act, shall cause any hurt or damage to any other person or to any property, such person may be taken into custody, with or without any Warrant, by any Constable or Peace Officer within whose view such offence may be committed; and if such person shall not, upon demand, make amends for such hurt or damage to the satisfaction of the person aggrieved, such person shall be detained by such Constable, and upon conviction of the offence by two or more Justices of the Peace shall pay any sum not exceeding the sum of Ten Pounds as shall appear to such Justices to be reasonable amends to the person aggrieved, besides the payment of any penalty or Fine or other sum of money to which he may be liable for the commission of the said offence; and which offence such Constable or Peace Officer is hereby directed to prosecute, if the person aggrieved will not himself prosecute or make any charge to such Constable or Peace Officer for that purpose.

And with respect to Contempts of Court:—Be it enacted, That if any person shall wilfully insult any Police Magistrate, or any Stipendiary and Special Magistrate, or any Justice or Justices of the Peace, while sitting in any Court or in any room or other place used as a Court, and in which any Police Magistrate or any Stipendiary and Special Magistrate, or any Justice or Justices of the Peace shall be exercising the judicial functions of their Office, or shall commit any other Contempt of any such Court, it shall be lawful for such Police Magistrate, or such Stipendiary and Special Magistrate or such Justice or Justices of the Peace, by any verbal order, to direct such person to be removed from such Court, room, or other place so used as a Court, or such person may be deemed by such Magistrate or such Stipendiary and Special Magistrate, or such Justice or Justices of the Peace, guilty of a Petty Offence and be taken into custody; and at any time before the rising of such Court it shall be lawful for such Police Magistrate or such Stipendiary and Special Magistrate, or such Justice or Justices of the Peace, so exercising such judicial functions as aforesaid, to order such person to pay a Fine not exceeding the sum of Two Pounds, or be imprisoned in the Common Gaol at Kingstown in the said Island of St. Vincent for any time not exceeding fourteen days, or may order such person to pay such Fine and be so imprisoned as aforesaid.

And with respect to Acts of the said Legislature to be repealed:—Be it

No. 104.
22nd August, 1854.

Proviso.
No such Order shall bar any person from the recovery of such goods by action.

CL. XCIII.
Punishment of any artificer, &c., for having disposed of or retained goods committed to his care.

Second Offence.

CL. XCIV.
Amends for any hurt or damage not exceeding 10*l.* to be paid by any person committing any offence under this Act.

Contempts.
CL. XCV.
Punishment for Contempts of Court before Justices.

Acts Repealed.

No. 104.
22nd August, 1854.

CL. XCVI.
Repeals the Petty Theft Act, 16th November, 1838, certain parts of Shepherd's Act, 9th December, 1830, The Dog Act, 25th January, 1847, The Cruelty Act, 13th October, 1841, and all other Acts inconsistent with this Act.

enacted, That from and after the publication of this Act, an Act of the said Legislature, published on the sixteenth day of November, one thousand eight hundred and thirty-eight, intituled "An Act to extend to these Islands parts of [a] certain Act of the Imperial Parliament relative to thefts and malicious injuries to property;" and so much of a certain other Act of the said Legislature published on the ninth day of December, one thousand eight hundred and thirty, intituled "An Act to extend parts of certain Acts of the Imperial Parliament to these Islands for the administration of Criminal Justice," as relates to any person who shall steal or unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, or shrub, or any underwood; or to any person who shall wilfully or maliciously commit any damage, injury, or spoil to or upon any real or personal property whatsoever either of a public or private nature, or to any person who shall unlawfully assault or beat any other person, or as to any goods, merchandise, or articles of any kind belonging to any ship or vessel in distress, or wrecked, stranded, or cast on shore, or as to any person who shall offer or expose for sale any goods, merchandise, or articles whatsoever which shall have been unlawfully taken or reasonably suspected to have been taken from any ship or vessel in distress, or wrecked, stranded, or cast on shore; and a certain other Act of the said Legislature, published on the twenty-fifth day of January one thousand eight hundred and forty-seven, intituled "An Act for the Prevention of Dog Stealing;" and a certain other Act of the said Legislature published on the thirteenth day of October, one thousand eight hundred and forty-one, and intituled "An Act for the Punishment of persons guilty of Cruel and Improper Treatment of Animals, and unlawfully using Beasts at Pasture;" and all other Act or Acts of the said Legislature or parts of any such Act or Acts which are in any way inconsistent with the provisions of this Act, save and except so much of any such Act or Acts as repeal any other such Act or parts of such Act; and also except as to proceedings now pending to which the same or any of them are applicable, shall be repealed, and the same are hereby repealed accordingly.

Preamble.

And whereas in and by sundry Acts of the Legislature of the said Government already passed reference is made to "The Summary Offence Act, 1853;" *And whereas* this present Act was thereby meant and intended, but the same not having become Law during the said year 1853, difficulties may arise in the construction of the said Acts and in carrying out the provisions of the same; for remedy whereof: *Be it enacted*, That wherever in any former Act of the Legislature of the said Government already passed and now in force, or which may have passed the Council and Assembly, but not yet [been] assented to by the Executive, but which shall duly receive such assent, the words, "The Summary Offence Act, 1853," are used, the same shall be deemed, construed, and taken to mean this present Act, and such words shall and may be quoted, cited, and described, as "The Summary Offence Act, 1854;" and all and every the provisions of any such Act shall and may be enforced in such and the same manner and form as if the words "The Summary Offence Act, 1854," were therein inserted in lieu of the words "The Summary Offence Act, 1853," notwithstanding anything in any such Act to the contrary.

CL. XCVII.
Whenever in any Act the words "The Summary Offence Act, 1853," are used, the same shall be taken to mean the words "The Summary Offence Act, 1854."

That this Act shall come into operation on the day next after the same shall be published in the usual manner by the Provost Marshal of the said Government.

CL. XCVIII.
The day on which the Act shall come into operation.

CL. XCIX.
This Act may be altered, &c., during the present Quarterly Meeting.

That this Act may be altered, amended, or repealed by any Act to be passed during the present or any future Quarterly Meeting of the said Legislature.

CERTIFICATE.

ST. VINCENT.

WE the undersigned, two of Her Majesty's Justices of the Peace in and for the Government of the Island of St. Vincent and its Dependencies, do hereby certify that we did, on _____ day, the _____ day of _____, in the year 185____, at _____, in the Island of St. Vincent, convict _____ of _____

day of _____, in the said Island; for that he did on _____ day the _____, in the year 185 . [Here state the Petty Misdemeanour or Petty Offence in the same manner as in an Information or in a Warrant of Commitment, and the punishment imposed by the conviction.]

No. 104.
22nd August, 1854.

Dated at _____, in the said Island _____ day the _____ day of _____, in the year 185 .

(Signed) J. C. J. R.

No. 105.

An Act to authorize the Officer administering the Government of the Island of St. Vincent and its Dependencies, for the time being, to select any one of the Members of the General Assembly of the said Government to be an Organ of Communication between him and that Branch of the Legislature of the said Government. [7th September, 1854.]

WHEREAS no Executive Government founded on the basis of free and popular institutions can be efficiently and satisfactorily carried on unless the Head of that Executive Government has the means of freely communicating with that branch of the Legislature which is the chief support and maintenance of such institutions: And whereas it would greatly facilitate the administration of the Government of the Island of St. Vincent and its Dependencies, and consequently greatly tend to the advancement of the best interests of the community, if the Officer administering the Government for the time being could freely communicate through some person selected for that purpose with the popular branch of the Legislature of the said Government, and could originate all such measures as might be required to be originated and perfected on the part of the said Government; And whereas it is in analogy with the Government and Constitutional institutions of England that such organ and medium of communication should himself be a Member of that branch of the Legislature with whom he is to communicate, and in whom personally, therefore, that branch of the Legislature might itself have confidence, *Be it therefore enacted*, by the Officer administering the said Government for the time being, and the Council and Assembly of the same, that the Officer administering the said Government for the time being shall be, and he is hereby authorized to select and appoint any one of the Members of the General Assembly of the said Government to be the organ and medium of all oral communication between himself and that branch of the Legislature of the said Government, and that such Member shall originate all such measures as may be considered advisable on the part of the said Government; and the Member so selected and appointed shall, on a Message being sent by the Officer administering the said Government for the time being to the General Assembly of the said Government in Parliament assembled, be then taken to be and acknowledged as the chosen and responsible organ and medium of communication from the Officer administering the said Government for the time being.

Preamble.

CL. I.
Officer administering the Government to select a Member of Assembly, to be the organ and medium of oral communication with that branch of the Legislature.

CL. II.
The Member so selected, on being so selected, not to vacate his seat.

CL. III.
The Officer administering the said Government if he should see fit to withdraw his confidence, may without assigning any reason select and appoint some other Member,

That the Member so chosen and appointed, on the acceptance of such Office [and] hereby created, shall not vacate his seat in the said General Assembly, anything in the Act intituled "An Act for regulating the proceedings at Elections of Members to serve in the General Assembly of the Island and Government of St. Vincent and its Dependencies, for determining the qualifications of Members and Electors, and for repealing the Act of the said Island therein mentioned," to the contrary notwithstanding.

That the Officer administering the said Government may, and he is also hereby further authorized, if at any time he should see fit to withdraw his confidence from the Member so selected and appointed by him and so acknowledged as aforesaid, and without assigning any reason for so doing, to select and appoint some other Member of the said General Assembly for the purposes aforesaid; and, in [? on] any such Message as aforesaid signifying such change that the Member so subsequently selected and appointed shall

No. 105.
7th September, 1854.

Instead of the Member so previously selected.

CL. IV.
In the event of any change in the Officer administering the said Government, the Officer who may succeed in such appointment, may either select and appoint the Member who had been selected and appointed by the former Officer, or may select any other Member as he may think fit.

be then in like manner taken to be and acknowledged as the chosen and responsible organ and medium of communication for the Officer administering the said Government as aforesaid instead of the Member so previously selected and appointed as aforesaid.

That, in the event of any change in the Officer administering the Government for the time being, the Officer who may succeed in any such appointment may either select and appoint the Member who had been previously selected and appointed by the Officer who had immediately preceded him in such appointment, or may select and appoint any other Member of the said General Assembly, as he may think fit and deem advisable for the furtherance of the measures of the said Government and the best interests of the community.

No. 106.

An Act to amend "The Magistrates' Salary Act, 1853."

[9th December, 1854.]

Preamble.

WHEREAS it is expedient to grant to the Police Magistrate for the Calliaqua Police District, within the Government of the Island of St. Vincent and its Dependencies, an allowance for the keep of a horse, and to the Police Magistrate for the Grenadine District, within the said Government, an allowance for the transport of the said Magistrate to the different Islands within the said last-mentioned District: *And whereas* it is therefore necessary to amend an Act of the Legislature of the said Government proclaimed on the twenty-fourth day of December, one thousand eight hundred and fifty-three, and to be cited as "The Magistrates' Salary Act, 1853:" *Be it enacted*, by the Officer administering the said Government for the time being, and by the Council and Assembly of the same, that in citing this Act in any other Act of the said Legislature, and in all other legal instruments, it shall be enough to use the expression, "The Amended Magistrates' Salary Act, 1854."

CL. I.
Short Title of Act only may be cited.

CL. II.
Allowance to the Magistrate for Calliaqua District for horse hire, and of the Grenadine District for transport.

That the said Magistrates, while they hold their appointments and during the period hereinafter limited, shall have and receive, payable quarterly, as allowance, in addition to the salaries in "The Magistrates' Salary Act, 1853;"—mentioned, the Magistrate for the Calliaqua District the further sum of Twenty-five Pounds a year in lieu of and for horse hire;—and the Magistrate for the Grenadine District the further sum of Fifty Pounds a year for the transport of the said Magistrate to the different Islands within the said last-mentioned District, and so in proportion for any lesser period than a year, and such allowance shall be payable from the first day of February, one thousand eight hundred and fifty-four, the day of the date of the Commissions of the said Magistrates respectively: *Provided always*, That no Warrant shall be issued by the Governor under the authority of this Act for the payment of any such allowances as aforesaid except in accordance with the proviso in Clause Three of "The Magistrates' Salary Act, 1853," and the provisions therein contained.

Proviso.
No Warrant to issue except according to the provisions of "The Magistrates' Salary Act, 1853."

CL. III.
"The Magistrates' Salary Act, 1853," and this Act to be read as one Act.

That "The Magistrates' Salary Act, 1853," and this Act, shall be taken to be and shall be read and construed together as one Act, and the words in this Act which may be defined in that Act shall be interpreted in this Act as they are interpreted in that Act.

CL. IV.
Duration of Act.

That this Act shall continue in force from and after the proclamation thereof until the first day of January, one thousand eight hundred and fifty-eight.

No. 107.

An Act to Regulate the Sale of Wines and Spirituous Liquors within the Government of the Island of St. Vincent and its Dependencies.

[9th February, 1855.]

WHEREAS it is expedient to regulate the sale of Wine and Spirituous Liquors within the Government of the Island of St. Vincent and its Dependencies, *Be it therefore enacted*, by the Officer administering the said Government for the time being, and by the Council and Assembly of the same, that in citing this Act in any other Act of the said Legislature, and in all legal instruments or proceedings, it shall be enough to use the expression "The Wine Act, 1855."

In the construction of this Act, the words "Spirituous Liquors" shall mean every description of Wine, Brandy, Hollands, Geneva, Gin, Whisky, Rum, Cordials, or other Spirituous Liquors, mixed or unmixed; the word "Treasurer" shall mean the Treasurer of the said Government for the time being or his lawful Deputy; the word "Justice" shall mean any Justice, being one of Her Majesty's Justices of the Peace in and for the said Government, or any Police Magistrate appointed by virtue of any Act of the said Legislature now in force, or of any such Act hereafter to be in force within the said Government; the word "Constable" shall mean any Police Officer, as well as Police Constable; the word "Gallon" shall mean an Imperial gallon; and the word "Gazette" shall mean the official Gazette of the said Government.

This Act shall come into operation on the day next after the same shall be proclaimed, in the usual manner, by the Provost Marshal of the said Government.

The Treasurer or any Justice is hereby authorized to administer, or to cause to be administered, any Oath required to be taken according to any of the provisions of this Act.

Any person who, upon any Oath administered by the Treasurer, or by any Justice, shall wilfully and corruptly swear to anything which shall be false, or who shall wilfully and corruptly procure or suborn any person to swear to anything which shall be false, shall be guilty of wilful and corrupt Perjury, and be liable to all the Penalties and Punishment of such Offence.

All Informations may be laid, or Charges may be made, against any person who may commit any Petty Misdemeanour or Petty Offence, or other offence against any of the provisions of this Act, and all Complaints may be made for the recovery of any Forfeiture or other sum of money before any Justice, and shall be heard, tried, and determined, in a summary way, by any two or more Justices, and the mode of procedure and of punishment, or recovery, and all necessary proceedings, shall be according to the provisions of the "Summary Procedure Act, 1853."

If the day on which anything required to be done by virtue of this Act shall happen to fall on a Sunday, on a Christmas Day, on a Good Friday, or on any day appointed for a Public Fast or Thanksgiving, that which may be so required to be done shall be done on the day next after such Sunday, Christmas Day, Good Friday, or day appointed for a Public Fast or Thanksgiving: and the person by whom any such thing may be so required to be done, if not done, shall be liable to the same Penalties, Fines, Forfeitures, and Punishment, as if the thing required to be done had been by this Act specifically required to be done on the day next after any such Sunday, Christmas Day, Good Friday, or day appointed for a Public Fast or Thanksgiving.

With respect to the Sale of Spirituous Liquors, and the Distinction between Licences, and their Duration.

After the expiration of ten days from the day this Act shall come into operation, every person, before he shall sell or expose for sale, or shall dispose of within the said Government, either by wholesale or retail, any quan-

Preamble.

CL. I.
Short title of the Act only may be cited.

CL. II.
Construction of the words "Spirituous Liquors," "Treasurer," "Justice," "Constable," "a Gallon," "Gazette."

CL. III.
The day on which the Act shall come into operation.

CL. IV.
Treasurer or Justice to administer Oaths.

CL. V.
Any person who swears falsely, or who procures any person to swear falsely, guilty of Perjury.

CL. VI.
Informations, &c., to be heard, tried, and determined by two or more Justices, and the procedure to be according to the "Summary Procedure Act, 1853."

CL. VII.
If anything is to be done on a day which may happen to fall on a Sunday, &c., it is to be done on the day next after; and the person by whom to be done, if not done, liable to the same Penalties, &c.

Sale of Spirituous Liquors, &c.

CL. VIII.
Every person before he shall sell, &c., Spirituous Liquors, either

No. 107.
9th February, 1855.

by wholesale or retail,
shall take out a Li-
cense.

Punishment.

[Owners of Sugar Es-
tates are exempted
from the necessity of
taking out a Licence;
vide "Amended Wine
Act, 1856," s. 11.]

Proviso.

Not to prevent the sale of
any quantity of Spirituous
Liquors by virtue of a
Writ of Execution, or any
Warrant by any Justice.

CL. IX.

Distinction between a
Wholesale and a Retail
Licence.

CL. X.

Duration of the Li-
cences. [Repealed.]

As to the number of
Licences, &c.

CL. XI.

Any number of whole-
sale and retail Li-
cences may be granted
within the said Go-
vernment.

Proviso.

No Licence to be
granted to any person
other than the owner,
&c., of the store, &c.

Proviso.

No person to whom a
Retail Licence shall be
granted for any place,
&c., [other] than a
town, shall use the
same within one mile
from such town; ex-
cept such person shall
pay the same sum as
a person to use a Li-
cense in any town.

Preamble.

CL. XII.

Treasurer, before any
Retail Licence granted
to be used within the
distance, &c., of one
mile from any town,
or in any village, &c.,
may require the person
making the applica-
tion to satisfy him the
store, &c., is or not
within the distance,
&c., of one mile from
any town.

And, if necessary, may
demand, &c., a Certi-
ficate from Waywarden
or any two respectable
inhabitants of the pa-

tity of Spirituous Liquors, shall take out a Licence for such purpose, and obtain the same from the Treasurer, who is hereby authorized and required to grant the same in the manner and upon the conditions hereinafter mentioned; and every person who shall, without such Licence, then sell or expose for sale or shall dispose of any Spirituous Liquors, being convicted thereof, shall be deemed guilty of a Petty Offence, and shall be liable to pay a fine of any sum not exceeding Twenty Pounds, instead of the sum of Five Pounds, as limited by the "Summary Procedure Act, 1853": *Provided always*, That nothing in this Act contained shall be construed to prevent the sale or exposure for sale of any quantity of Spirituous Liquors by virtue of any Writ of Execution issued out of any Court of Law within the said Government, or by virtue of any Warrant of Execution or other Warrant to levy and sell the goods and chattels of any . . . [sic] Complainant or Defendant, issued by any Justice.

Any person who shall take out a Wholesale Licence, may sell any Spirituous Liquors, except Rum, in any quantity not less than one gallon, or if in bottle in any number of bottles containing, in the whole, at the least one gallon, and Rum in any quantity not less than twenty gallons: And any person who shall take out a Retail Licence, may sell any Spirituous Liquors in any quantity whatever.

* * * * *

And with respect to the Number of Licences, the Amount to be paid on the same being granted, and the Conditions on which they are to be so granted.

Any number, either of Wholesale or of Retail Licences may be granted by the Treasurer, by virtue of this Act, to householders resident within the said Government, to be used either in the Towns of Kingstown, Calliaqua, George Town, Chateaubellair, Barrouallie, or Layou, or in any of the villages or on any estates, or in other places within the said Island of St. Vincent, or in any of the Islands called the Grenadines within the said Government: *Provided always*, That no Licence whatever shall be so granted to any person other than to the owner or tenant of the store or shop in which any such Licence is to be used: *And provided also*, That no person to whom a Retail Licence shall be so granted, to be used in any village or on any estate, or in any other place within the said Island of St. Vincent, shall use such Retail Licence, or sell, or expose for sale, or dispose of by retail any quantity of Spirituous Liquors, within the distance or precincts of one mile from the nearest boundary of any of the said towns, except the person to whom any such Retail Licence shall be so granted shall pay the same sums of money as any person shall pay to whom a Licence may be so granted to use such Licence in any one of the said towns hereinbefore mentioned.

And whereas it may sometimes happen that the Treasurer may not know whether the store or shop in which any Retail Licence to be so granted as aforesaid, to be used within the distance or precincts of one mile from the nearest boundary of any of the said towns in the said Island of St. Vincent, or in any village, or on any estate, or in any other place in the said Island of St. Vincent not being in any of the said towns, be or not within the distance or precincts of one mile from the nearest boundary of any of the said towns in the said Island of St. Vincent: *Be it enacted*, That the Treasurer, in any case in which any person shall make application for any Retail Licence to be granted to him to be used either within the distance or precincts of one mile from the nearest boundary of any of the said towns in the said Island of St. Vincent, or in any village, or on any estate, or in any other place, not being any one of the said towns in the said Island of St. Vincent, before any such Retail Licence shall be so granted by him as aforesaid, may require such person to satisfy him that the store or shop in which any such Retail Licence is about to be used is or not, as it may be, within the distance or precincts of one mile from the nearest boundary of any of the said towns in the said Island of St. Vincent; and if necessary the Treasurer may, and in case of any dispute is hereby required to, demand and insist upon being produced to him a Certificate under the hand of any Waywarden, or the hands of any two respectable inhabitants resident within the

parish in which any such store or shop may be situate, of any such store or shop being or not, as it may be, within the distance or precincts of one mile from the nearest boundary of any of the said towns in the said Island of St. Vincent.

* * * * *

Every person before he shall obtain any Retail Licence shall produce to the Treasurer a Certificate that he is a person of good character and reputation, and that he is a fit and proper person to have such Licence, and that the store or shop in which such person shall be about to use such Licence is a fit, proper, and convenient place for such purpose; and if such Retail Licence be about to be used in any of the said towns in the said Island of St. Vincent it shall be signed either by any Townwarden for the time being of any such town or by any one Justice resident within the parish or town in which such Licence is so about to be used as aforesaid; and if it be about to be used in any of the said Islands called the Grenadines, it shall be signed by any Justice who shall be resident in any one of the said Islands; and if it be about to be used within the distance or precincts of one mile from the nearest boundary of any of the said towns, or in any village, estate, or other place, and not being within the distance or precincts of one mile from the nearest boundary of any of the said towns in the said Island of St. Vincent, it shall be signed by any Justice who shall be resident within the parish in which the store or shop in which such Licence is so about to be used is situate within the said Government; and the Certificate shall be in the form or to the effect set forth in the Schedule C, also hereunto annexed.

* * * * *

If any person shall intend to use any such Licence so granted to him as aforesaid in any store or shop other than the store or shop, set forth in such Licence, it shall be lawful for the Treasurer, and he is hereby required on the application of any such person to him for that purpose, to indorse on such Licence the situation of the store or shop in which he shall then intend to use such Licence and the day on which any such indorsement shall be made; and such indorsement shall be entered in the said Book to be kept by the Treasurer as hereinbefore mentioned; and such person shall pay to the Treasurer, for his own use, the sum of Two Shillings and Sixpence for such indorsement, and the amount necessary to publish in the Gazette the particulars of such Licence and the fact of such indorsement in respect to the store or shop in which such Licence may then be used; and the use of such Licence in such other store or shop, if the same be a Retail Licence, shall not be taken to be a breach of the condition of the Bond given to the Treasurer by such person as aforesaid; and every person who shall use any Licence so granted to him as aforesaid in any store or shop other than the store or shop set forth in such Licence before the Treasurer shall make such indorsement as aforesaid upon such Licence, being convicted thereof shall be deemed guilty of a Petty Offence, and shall be liable to pay a fine of any sum not exceeding Ten Pounds, instead of the sum of Five Pounds as limited by the "Summary Procedure Act, 1853:" *Provided always*, That the Treasurer shall make such indorsement as aforesaid in the case of any person being about to continue to use such Licence in some one of the said Towns within the said Island of St. Vincent, so that any such person shall use such Licence in some other store or shop situate in the same town as the town set forth in such Licence and in none other; and in the case of any person being about to continue to use such Licence within the distance or precincts of one mile from the nearest boundary of any of the said towns, so that any such person shall use such Licence in some other store or shop situate within the distance or precincts of one mile from the nearest boundary of the same town, as the town set forth in such Licence and near none other; and in the case of any person being about to continue to use such Licence in any

No. 107.
9th February, 1855.

parish in which the store, &c., may be situate.

CL. XIII. & XIV.
[Repealed.]

CL. XV.
Persons to obtain a Retail Licence to produce a Certificate to the Treasurer of character and fitness of store, &c.

If to be used in any town, to be signed by any Townwarden, or by any one Justice, resident in the parish or town in which the store or shop is situate.

If in the Grenadines, by one Justice resident in any one of the said islands.

If within one mile of any town, or in any village, estate, or other place, by any one Justice resident in the parish in which the store, &c., may be situate.

Form of Certificate.
Schedule C.

CL. XVI. & XVII.
[Repealed.]

CL. XVIII.
If any person shall intend to use such Licence in any other store or shop, to apply to the Treasurer to have the same indorsed on such Licence, and to pay to the Treasurer 2s. 6d. for indorsement and the amount necessary to publish the same in Gazette.

Punishment.

Proviso.
As to Licences to be used in any of the said towns.

As to Licences to be used within the distance, &c., of a mile from any of the said towns.

As to Licences to be used in the Grenadines.

No. 107.
9th February, 1855.

As to Licences to be
used in villages, es-
tates, and other places.

Proviso.
As to a Certificate of
fitness, &c., of such
store, &c.

Preamble.

CL. XIX.
Treasurer, on suffi-
cient grounds, to grant
a duplicate Licence, if
a Licence be mislaid,
lost, or destroyed.

CL. XX.
In the case of the
death of any person
to whom any Licence
shall be granted, the
Treasurer may in-
dorse the Licence to
the Heir, or the Exe-
cutor, or the Adminis-
trator of the deceased.

To pay Treasurer
2s. 6d. for such in-
dorsement.
[Proviso Repealed.]

Licences to persons
keeping Hotels, &c.

CL. XXI.
Any person who keeps
an Hotel, &c., not to
sell any Rum without
a Licence.
Punishment.

CL. XXII.
Every person who
keeps an Hotel, to
take out an "Hotel
Licence."

Duration of Licence.

one of the said Islands called the Grenadines, so that any such person shall use such Licence in some other store or shop situate in some of the said Islands and not elsewhere; and in all other cases, any person being about to continue to use such Licence in any village, or on any estate, or in any other place other than in any one of the said towns, or within the distance or precincts of one mile from the nearest boundary of any of the said towns, so that any such person shall use any such Licence in any other village, or on any other estate or in any other place, except in any of the said towns, or within the distance or precincts of one mile from the boundary of any of the said towns as aforesaid: *Provided always*, That such person shall produce to the Treasurer a Certificate that the store or shop in which such person shall then be about to use such Licence is a fit, proper, and convenient place for such purpose; and such last-mentioned Certificate shall be signed by the persons hereinbefore mentioned in respect to the Certificate hereinbefore required to be produced to the Treasurer by such person, in the same manner as would have been required by such person if such last-mentioned store or shop had been the store or shop in which such Licence, when granted, was about to be used; and such last-mentioned Certificate shall be in form or to the effect set forth in the Schedule E, hereunto annexed.

And whereas it may so happen that any Licence so granted as aforesaid may be mislaid, lost, or consumed by fire, or otherwise destroyed, so that the Treasurer cannot make such indorsement as aforesaid upon such Licence: *Be it enacted*, That it shall be lawful for the Treasurer, and he is hereby required, on sufficient grounds being shown to him and to his satisfaction on any such application as aforesaid of such Licence having been mislaid, lost, or consumed by fire, or otherwise destroyed, to grant a duplicate Licence of the Licence already granted, and upon which such indorsement as aforesaid shall be made; and the person to whom such duplicate Licence may be so granted shall be subject to all the provisions of this Act in the same manner as if he had made no such application as aforesaid, and as if he still continued to use the Licence so originally granted to him and so mislaid, lost, or consumed by fire, or otherwise destroyed as aforesaid.

In the case of the death of any person to whom any Licence shall be granted it shall be lawful for and the Treasurer is hereby required, on the application of the heir, executor, or administrator of the goods and chattels of such person to him for that purpose, to indorse to such heir, executor, or administrator the Licence so granted; and such Licence so indorsed shall be taken to be the Licence of any such heir, executor, or administrator, who shall have and enjoy the same rights, privileges, and advantages, and shall be liable to the same Penalties, Fines, Forfeitures, and Punishment as the testator in his lifetime; and such heir, executor, or administrator shall pay to the Treasurer, for his own use, the sum of Two Shillings and Sixpence for such indorsement. * * * *

And with respect to Licences to Persons keeping Hotels; some other of the Duties of the Treasurer; and the Punishment of Persons who shall commit certain Offences against the Provisions of this Act.

If any person who keeps an Hotel, or Inn, or Lodging House shall sell any Rum, in any quantity or in any case whatever, without having had previously granted to him a Wholesale or Retail Licence, as the case may be, for such purpose, every such person being convicted thereof shall be guilty of a Petty Offence, and shall be liable to pay a fine of any sum not exceeding Twenty Pounds, instead of the sum of Five Pounds as limited by "The Summary Procedure Act, 1853."

Every person who keeps an Hotel, or Inn, or Lodging House, before he shall sell or expose for sale, or dispose of any Wine or Spirituous Liquors (Rum not being included in such case by the words "Spirituous Liquors"), shall take out a Licence for such purpose, and obtain the same from the Treasurer, who is hereby authorized and required to grant the same; and such Licence shall be called an "Hotel Licence," and may be granted at any time of the year, and shall continue and be in force during the year in

and for which the same may be granted, and until the termination of the thirty-first day of December in any such year and no longer; and every person who shall take out such last-mentioned Licence shall pay to the Treasurer for every such Licence the sum of Six Pounds; and every such person shall pay to the Treasurer, for his own use, the sum of Two Shillings and Sixpence for the making out and subscribing any such last-mentioned Licence; and every such Hotel Licence shall contain the same formalities as the Licences hereinbefore mentioned, and shall be so entered, and kept, and numbered as aforesaid, and shall be in the form or to the effect set forth in the Schedule G, as hereunto annexed.

Every person who keeps an Hotel, or Inn, or Lodging House, by virtue of such Hotel Licence shall sell or expose for sale, or dispose of any Wine or Spirituous Liquors (Rum not being included in such case by the words "Spirituous Liquors") only to customers who shall drink the same on the premises or within the precincts of any such Hotel, Inn, or Lodging House, and to no other persons whatever.

Every person who keeps an Hotel, or Inn, or Lodging House, before he shall obtain such Licence shall produce to the Treasurer a Certificate that he is a person of good character and reputation, and that he is a fit and proper person to have such Hotel Licence, and that the Hotel, Inn, or Lodging House in which such person shall be about to use such Hotel Licence is a fit and proper place for such purpose; and every such Certificate shall be signed by any Townwarden or by any Justice, as the case may be, whether it be a town or parish or otherwise in which any such Hotel, Inn, or Lodging House may be situate; and the Certificate shall be in the form or to the effect set forth in the Schedule H, also hereunto annexed.

The Treasurer shall and is hereby required in the months of January, April, July, and October in each year to publish in the Gazette Lists of the persons to whom any such Licences as aforesaid may have been granted, according to the description of such Licences, that is to say, the number of every Wholesale Licence, consecutively as hereinbefore mentioned, the Christian names and surname at length of any person to whom any such Licence may have been granted, the situation of the store or shop in which he may use such Licence, and the day of the week and the day of the year on which the same was granted; and so also of the other descriptions of Licences, and the situation of the store or shop, or of the Hotel, or Inn, or Lodging House in which the same may be used.

If any person to whom any Licence shall be granted, shall assign or in any manner transfer such Licence to any other person, every such person, being convicted thereof, shall be deemed guilty of a Petty Misdemeanour.

If any person shall use any Licence, or shall sell or expose for sale, or shall dispose of either by wholesale or retail, any quantity of Spirituous Liquors in any other place, or in any other store or shop, or in any other Hotel, or Inn, or Lodging House, than the Store or Shop, Hotel, Inn, or Lodging House set forth in the Licence so granted to him as aforesaid, except on the application to the Treasurer for that purpose as aforesaid; or if any person to whom any Wholesale Licence shall be granted shall so sell or expose for sale or shall dispose of any Spirituous Liquors (except Rum) in any quantity less than one gallon, or, if in bottle in any number of bottles not containing in the whole at the least one gallon, or any Rum in any quantity less than twenty gallons; or if any person who keeps an Hotel, or Inn, or Lodging House to whom any Hotel Licence shall be granted shall so sell or expose for sale or shall dispose of any Rum without such Wholesale or Retail Licence as aforesaid, or any Wine or Spirituous Liquors (Rum not being included in such case by the words "Spirituous Liquors") to any person whatever other than to customers who shall drink the same on the premises or within the precincts of any such Hotel, or Inn, or Lodging House, every such person being convicted thereof shall be deemed guilty of a Petty Offence, and shall be liable to pay a fine of any sum not exceeding Twenty Pounds, instead of the sum of Five Pounds as limited by "the Summary Procedure Act, 1853."

No. 107.
9th February, 1855.

Amount to be paid for such Licence.

To pay Treasurer 2s. 6d. for such Licence.

Form of Hotel Licence. Schedule G.

CL. XXIII.
Every person who keeps an Hotel, &c., to sell to customers, Wine, &c., to be drunk on the premises, and to no other person.

CL. XXIV.
Any person who keeps an Hotel, &c., to produce to Treasurer Certificate, to be signed by any Townwarden or by any Justice resident in the town or parish in which Hotel, &c., is situate.
Form of Certificate. Schedule H.

CL. XXV.
The Treasurer, in the months of January, April, July, and October in each year, to publish in the Gazette Lists of the persons to whom Licences may have been granted, and the particulars of them.

CL. XXVI.
Punishment of any person who shall assign any Licence.

CL. XXVII.
Punishment of any person who shall use a Licence in any place other than the place set forth in the Licence.

No. 107.
9th February, 1855.

CL. XXVIII.
Punishment of any person who shall use a Retail Licence before the words "Licensed to Retail Spirituous Liquors" shall be painted and placed over the door of the shop, &c.

CL. XXIX.
Punishment of any person, other than a person to whom a Licence may have been granted, for keeping over the door the words "Licensed to sell Spirituous Liquors."

CL. XXX.
Punishment of any person who shall barter or exchange "Spirituous Liquors."

CL. XXXI.
Punishment of any person who shall sell any Spirituous Liquors adulterated with any drug, or diluted with any liquid except water.

CL. XXXII.
Punishment of any person, to whom a Licence shall have been granted, who shall permit drunkenness in the store, &c.; or keep open, or sell Spirituous Liquors after eight o'clock, &c., or on a Sunday, &c.

CL. XXXIII.
If any person, to whom a Licence shall have been granted, shall be convicted a second time in any one year, the Licence of such person to be cancelled.

CL. XXXIV. & XXXV.
[Repealed by
the Amended Wine Act,
1856," s. 4.]

If any person to whom a Retail Licence shall be granted, except such person shall keep an Hotel, or Inn, or Lodging House, shall use such Licence, or sell or expose for sale, or shall dispose of any Spirituous Liquors, before he shall paint or cause to be painted in large legible Roman capitals two inches in length, and of a proportionate breadth, in white capitals upon a black ground or in black capitals upon a white ground, and to be placed conspicuously over the Store, or in some other convenient and conspicuous place, or in some other convenient and conspicuous place outside the store or shop in which he shall use such Licence, the words "Licensed to Retail Spirituous Liquors," every such person being convicted thereof shall be deemed guilty of a Petty Offence.

If any person, other than the person to whom a Retail Licence may have been granted, shall paint or cause to be painted, or shall keep or continue painted over the door, or on any board over the door, or shall keep or continue painted on any other place, or on any board or any other place outside of any store or shop, the words "Licensed to Retail Spirituous Liquors," or any words to the same or a similar purport and effect, every such person, being convicted thereof, shall be deemed guilty of a Petty Offence.

If any person shall barter, truck, or exchange, or shall in any manner pretend to give, lend, or dispose of any Spirituous Liquors without a Licence, either for provisions or for any goods or chattels whatever, or for labour or as the pay, wages, reward or other remuneration for labour, every such person shall be taken to have sold or disposed of Spirituous Liquors without a Licence, and contrary to the provisions of this Act; and every such person being convicted thereof shall be deemed guilty of a Petty Offence, and shall be liable to pay a fine of any sum not exceeding Twenty Pounds, instead of the sum of Five Pounds as limited by "The Summary Procedure Act, 1853."

If any person shall knowingly sell any Rum, adulterated with any drug, or with any pernicious ingredient or thing whatever, or diluted with any liquor except water, every such person being convicted thereof shall be deemed guilty of a Petty Misdemeanour, and shall be liable to pay a penalty of any sum not exceeding Twenty Pounds, instead of the sum of Five Pounds as limited by "The Summary Procedure Act, 1853."

If any person to whom any Retail Licence shall be granted shall permit or suffer any drunkenness, gambling, or riotous or disorderly conduct in the store or shop in which he shall use such Licence, or in any part of the premises thereunto belonging and in his possession or under his authority, power, or control; or who shall sell or dispose of any Spirituous Liquors to any person when in a state of intoxication in any such store or shop or in any part of such premises; or shall keep open such store or shop after the hour of eight of the clock at night, on any night other than a Saturday night, or on any Saturday night after the hour of nine of the clock at night, or shall sell or expose for sale, or shall dispose of any Spirituous Liquors after the hour of eight of the clock at night, on any night other than a Saturday night, or on any Saturday night after the hour of nine o'clock at night; or shall sell or expose for sale, or shall dispose of any Spirituous Liquors on any Sunday, Christmas Day, Good Friday, or on any day appointed for a Public Fast or Thanksgiving, every such person being convicted thereof shall be deemed guilty of a Petty Misdemeanour.

If any person to whom any Licence shall be granted shall be convicted a second time in any one year of any Petty Misdemeanour or of any Petty Offence, or of any Petty Misdemeanour and Petty Offence created by this Act, the Licence of any such person on any such second conviction shall be cancelled by order of the Justices at the time of such conviction, in addition to any punishment to which such person may be adjudged: and a copy of such conviction shall be a Certificate to the Treasurer, on the same being deposited with him by such Justices, that the Licence of such person had been cancelled.

* * * * *

And with respect to some Provisions which cannot be conveniently distinctly Classified.

Every person to whom any Licence shall be granted shall give in upon oath and deliver to the Treasurer, within fourteen days next after the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December, respectively, in each year a just and true Quarterly Return, in duplicate, of all Rum purchased by them during the quarter so ending on the respective days aforesaid; and every such Quarterly Return shall include the first and last day in each quarter, the name, the quality, and residence of the person from whom purchased, the number and description of the packages in which such Rum was delivered, and the marks on such packages, the name of the estate whence obtained, if from an Estate, and the total quantity of Rum in gallons: and the said Quarterly Return shall be, in every respect, in the Form in the Schedule marked I, hereunto also annexed.

If any person shall neglect or refuse to deliver to the Treasurer such Quarterly Return as aforesaid on the days and within the periods hereinbefore mentioned, or in the form required by this Act, or shall make any false or evasive Return, every such person being convicted thereof shall be deemed guilty of a Petty Offence, and shall be liable to pay a fine of any sum not exceeding Ten Pounds, instead of the sum of Five Pounds as limited by "The Summary Procedure Act, 1853;" and if such person do not then deliver such Return, he shall forfeit and pay for every month he shall refuse or neglect or delay to deliver such Return to the Treasurer, the sum of Ten Pounds; and shall also be further or again imprisoned until he do deliver to the Treasurer such Quarterly Return as aforesaid.

It shall be lawful for the Governor to cause to be printed and to publish from time to time, at the expense of the said Government, in the Gazette or otherwise, extracts from this Act, or any Notices which he may consider beneficial and necessary to be printed and published for the information and benefit of the public, and also to provide at the expense of the said Government a sufficient number of such Forms as may from time to time be required to be used for the purposes of this Act; and the Treasurer shall distribute or cause to be distributed, at his discretion, any such Forms to any person making application to him for the same at his Office at Kingstown in the said Island of St. Vincent.

Any person by whom any Information may be laid, or any Complaint or Charge may be made, against any other person accused of having committed any Petty Misdemeanour or any Petty Offence, or other Offence created by this Act, or against any other person become liable to any Forfeiture or to pay any sum of money under any of the provisions of this Act, shall be admitted as evidence in support of any such Information, or Complaint, or Charge.

If any person shall lay any Information, or make any Complaint or Charge by means of which any other person shall be convicted of any Petty Misdemeanour or Petty Offence, or other Offence created by this Act, or be ordered to pay any Forfeiture or other sum of money under this Act, or shall give any information or evidence by which any such other person shall be so convicted or ordered to pay any such Forfeiture or other sum of money, on any Information laid, or Complaint or Charge made by the Treasurer or any other public Officer or other person, it shall be lawful for the Governor, if he shall think fit but not otherwise, to grant a Warrant to any such person for the Treasurer to pay him any sum of money not exceeding one half of the Penalty or Fine imposed by virtue of any such conviction, or one half of any Forfeiture or other sum of money ordered to be paid by virtue of any Order made for such purpose, and paid or to be paid to the Treasurer: *Provided nevertheless*, That it shall be lawful for the Governor to remit the whole or any part of any Penalty or Fine imposed, or Forfeiture or other sum of money ordered to be paid according to the provisions of this Act, whether any Conviction or Order has been obtained in consequence of any Information laid, or Complaint or Charge made by the Treasurer on the part

No. 107.
9th February, 1855.

As to Provisions not distinctly classified.

CL. XXXVI.

Every person, to whom any Licence shall be granted, to give in to the Treasurer a Quarterly Return, on oath, of the Rum purchased by him.

Forms of Return.
Schedule I.

CL. XXXVII.

Punishment of any person, to whom any Licence shall be granted, who shall neglect to deliver Quarterly Return.

If such person do not then deliver Return, to forfeit 10*l.*, and be imprisoned until Return be delivered.

CL. XXXVIII.

Governor may publish extracts from this Act and Notices, also to provide Forms, &c.

And Treasurer to distribute them.

CL. XXXIX.

Any person by whom any Information may be laid, may be admitted as evidence.

CL. XL.

Any person who shall lay any Information, &c., or give evidence, &c., by means of which any other person may be convicted, &c., the Governor may grant a Warrant for the payment of a sum, not exceeding one-half the Penalty, &c., imposed.

Proviso.

The Governor may remit the whole or any part of any Penalty, &c.

No. 107.
9th February, 1855.

CL. XLI.

In case of any Information, &c., being dismissed, if the Justices certify there was reasonable and probable cause, no Costs to be allowed to the person against whom any Information may be laid.

CL. XLII.

Upon an Information, on the Oath of any credible person, that he has cause to suspect any other person of selling, &c., Spirituous Liquors, contrary to the Provisions of this Act, lawful for any Justice to grant Search Warrant. Mode of procedure on the execution of the Search Warrant.

The matter of the Information to be heard by any two or more Justices.

Information, Search Warrant, to sell or destroy.

Schedule K.

CL. XLIII.

Any person in the possession of whom any Spirituous Liquors may be found, may also be convicted of any Petty Misdemeanour committed by him.

and behalf of the said Government, or by any other person without either the privy or consent of the Treasurer.

In any case of any Information, or Complaint, or Charge being dismissed, the Justices who shall have heard, tried, and determined such Information, or Complaint, or Charge, shall, if requested at the time of the same being dismissed, certify, on the back of the Information or Summons, whether there was reasonable and probable cause for such Information being laid, or such Complaint or Charge being made; and if such Justices do so certify that there was reasonable and probable cause for such Information being laid, or Complaint or Charge being made, then and in such case no Costs shall be allowed to the person against whom any Information may have been laid, or any Complaint or Charged may have been made, on any Information, or Complaint, or Charge so heard, tried, and determined, and so dismissed.

Upon an Information laid, on the Oath of any credible person, stating that he has good cause to suspect and does suspect any other person of selling or exposing for sale or disposing of Spirituous Liquors contrary to the provisions of this Act, or that any such person has in his possession any Rum adulterated with any drug or any pernicious ingredient whatever, or diluted with any liquid except water, it shall be lawful for any Justice to grant and issue a Search Warrant to search the house, store, shop or other premises of the person so suspected, as in the case of stolen goods; and if, upon such search, any Spirituous Liquors or such Rum as hereinbefore mentioned be found, such Spirituous Liquors or Rum shall be seized, and the Constable by whom such Warrant may be executed shall thereupon verbally summon such person, or the person in the occupation of the house, or store, or shop, or other premises, or the person apparently in charge of the house, or store, or shop, or other premises in which such Spirituous Liquors or such Rum shall be found, to appear at a certain time and place before the Justice by whom such Warrant may have been granted and issued, to answer to such Information as aforesaid; and such Constable shall at the same time make a Return in writing to such Justice of the manner in which such Warrant was executed by him, and of that which may have been found on such search; and such Justice shall then verbally appoint a time and place for the matter of such Information to be inquired into, heard, and determined before any two or more Justices, and if such Spirituous Liquors or such Rum be so found it shall be presumptive evidence of the truth of such Information; and unless such person, or the person in the occupation of the house, or store, or shop, or other premises, or the person apparently in charge of the house, or store, or shop, or other premises in which such Spirituous Liquors or such Rum shall be found, shall produce evidence, to the satisfaction of such Justices, that no Spirituous Liquors have been sold or exposed for sale, or disposed of by them, or by any or either of them, in any other manner than according to the provisions of this Act, or that such Rum is not adulterated with any drug or any pernicious ingredient whatever, or diluted with any liquid except water, such Spirituous Liquors shall be sold, by the Order of such Justices, by any Constable to whom a Warrant, signed by them or either of them, shall be directed for that purpose; and such Rum shall be destroyed, also by the Order of such Justices, by any Constable to whom a Warrant, signed by them or either of them, shall be directed for that purpose; and the Information, Search Warrant, Order, and Warrant to sell or destroy, shall be respectively in the forms or to the effect in the Schedule K, hereunto also annexed, and marked respectively K, No. 1, 2, 3, 4.

Any person in the possession of whom any Spirituous Liquors or any Rum, adulterated with any drug or with any pernicious ingredient or thing whatever, or diluted with any liquid except water, shall be found as aforesaid, may also be convicted of any Petty Misdemeanour, or Petty Offence, or other Offence committed by him, contrary to the provisions of this Act, or may be ordered to pay any Forfeiture or other sum of money, in the same manner as any other person, although such Spirituous Liquors may have been seized and sold as aforesaid, and although such Rum may have been seized and destroyed as aforesaid; and any person who may have been in

the occupation of the house, store, shop, or other premises, or apparently in the charge of the house, store, shop, or other premises, in which any such search as aforesaid may have been made, may also be convicted of any Petty Misdemeanour, or Petty Offence, or other Offence committed by him contrary to the provisions of this Act, or may be ordered to pay any Forfeiture or other sum of money in the same manner as any other person, although no Spirituous Liquors and no such Rum may have been found in such house, store, shop, or other premises, by virtue of the Search Warrant so granted and issued as aforesaid.

All Penalties and Fines imposed, and all Forfeitures or other sums of money ordered to be paid by virtue of this Act, and paid, and the proceeds of all sales of Spirituous Liquors ordered to be sold by virtue of this Act, and sold and paid, shall be paid to the Treasurer for the public uses of the said Government.

All and singular the moneys to be raised under this Act shall be and the same are hereby appropriated, and shall be disbursed and paid in each year, as follows, that is to say:—Firstly, in payment of all moneys now due for accounts against the Public, and which moneys so due now are or shall be ordered to be paid by Vote or Act of the Legislature of this Government; Secondly, in payment of all moneys which shall hereafter annually become due for accounts against the Public or otherwise in respect of the casual expenditure of the said Government in each year, and which shall be ordered to be paid by Vote or Act of the said Legislature; and if, after such payment as last aforesaid, any surplus of the moneys to be raised under this Act shall remain unexpended for the current year, then such surplus shall be applied, Thirdly, in payment of the general debts and liabilities of the Treasury of the said Government; and it shall not be lawful for the Governor or Treasurer of the said Government, or for any other person, to pay, apply, or dispose of the moneys to be raised under this Act, or any part thereof, in any manner whatever save as aforesaid, notwithstanding any law, usage, or precedent to the contrary.

No. 107.
9th February, 1855.

And if no Spirituous Liquors be found, such person may also be convicted of any Petty Misdemeanor, &c.

CL. XLIV.
Penalties, &c., to be paid to the Treasurer.

CL. XLV.
As to the appropriation of all moneys payable to the Treasurer, and received by him, and not otherwise specifically applied.

SCHEDULE A.

<p> TREASURER'S OFFICE, ST. VINCENT, No. WHOLESALE LIQUOR LICENCE. </p>	<p> 185 . No. </p>
---	---------------------------------------

A. B., of [state the residence, whether in a Town, Village, Parish, Estate, or one of the Grenadines], in the Island of [as it may be], within the Government of the Island of St. Vincent and its Dependencies [state the quality, trade, business, or occupation of A. B.], is hereby licensed to sell, expose for sale, and to dispose of Spirituous Liquors, except Rum, as defined by "The Wine Act, 1855," in any quantity not less than one gallon, or, if in bottle, in any number of bottles containing in the whole at the least one gallon, and Rum in any quantity not less than twenty gallons, on and from the day of the date hereof, until the termination of the thirty-first day of December, one thousand eight hundred and , in the Store [or Shop] occupied by him [or her], and situate in [state the street or lot, if in a Town, or the name of the Village, or Parish, or Estate, or other place in which the Store or Shop may be situate, so that the Store or Shop may be distinctly designated.]

See Cl. XII.

Treasurer.

No. 1.
Wholesale Liquor Licence.

SCHEDULE B.

<p> TREASURER'S OFFICE, ST. VINCENT, No. RETAIL LIQUOR LICENCE. </p>	<p> 185 . No. </p>
--	---------------------------------------

A. B., of [state the residence, whether in a Town, Village, Parish, Estate, or one of the Grenadines], in the Island of [as it may be], within the Government of the Island of St. Vincent and its Dependencies [state the quality, trade, business, or occupation of A. B.], is hereby licensed to sell, expose for sale, and to dispose of Spirituous Liquors, as defined by "The Wine Act, 1855," in any quantity whatever, on and from the day of the date hereof, until the termination of the

See Cl. XIII.

No. 107.
9th February, 1855.

thirty-first day of December, one thousand eight hundred and _____, in the Store [or Shop] occupied by him [or her], and situate in [state the street or lot, if in a Town, or the name of the Village, or Parish, or Estate, or other place in which the Store or Shop may be situate, so that the Store or Shop may be distinctly designated.]

Treasurer.

No. 2.
Retail Liquor Licence.

SCHEDULE C.

See Cl. XV.

I, the undersigned, A. B., Esquire, [Townwarden for the Town of, as it may be], within the Government of the Island of St. Vincent and its Dependencies, or one of Her Majesty's Justices of the Peace in and for the Government of the Island of St. Vincent and its Dependencies [as it may be], and resident in the Town [or Parish] if [as it may be] in the Island of [as it may be], do hereby certify that C. D., of [state the residence, whether in a Town, Village, Parish, Estate, or one of the Grenadines], within the said Government [state the quality, trade, business, or occupation of C. D.], is a person of good character and reputation, and that he [or she] is a fit and proper person to have granted to him [or her] a Retail Licence to sell Spirituous Liquors, as defined by and according to the provisions of "The Wine Act, 1855;" and that the Store [or Shop] situate in [state the street or lot, if in a Town, or the name of the Village or Parish, or Estate, or the place in which the Store or Shop may be situate, so that the Store or Shop may be distinctly designated], in which the said C. D. is about to use such Retail Licence, is a fit and proper and convenient place for such purpose.

Townwarden for the Town of
or Justice of the Peace [as it may be].

No. 3.
Certificate of Character, and fitness of Store or Shop.

SCHEDULE D.

St. VINCENT—To wit.

See Cl. XVI.

WHEREAS a Retail Licence to sell, expose for sale, and to dispose of Spirituous Liquors, as defined by "The Wine Act, 1855," has this day, in pursuance of the said Act, been granted by [insert the Christian names and surnames of the Treasurer at length], Esquire, the Treasurer of the Government of the Island of St. Vincent and its Dependencies, to A. B., of [state the place of residence, whether in a Town, Village, Parish, Estate, or one of the Grenadines, in the Island of, as it may be], within the said Government, [state the quality, trade, business, or occupation of A. B.]. NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, That we, the said A. B. [state the Christian names and surnames of the Sureties at length, together with their residence, quality, trade, business, or occupation], are held and firmly bound unto the said [repeat the name of the Treasurer] as such Treasurer as aforesaid, and to his successors in office, in the just and full sum of [state the total sum, made up of the sum for which the said A. B. and his sureties are bound], that is to say, the said A. B., as principal, in the sum of [state the sum], to be paid on or before the first day of July then next ensuing, for the said Licence, and the said [repeat the names of sureties], as his sureties, in the sum of [state the one-half of the sum to be paid for the said Licence] each; to which payments well and truly to be paid we bind ourselves and each of us, our heirs, executors, and administrators, and each and every of them, firmly by these presents. Sealed with our seals, and dated _____ day, the _____ day of _____, in the year of our Lord one thousand eight hundred and _____

Now the condition of this obligation is such, that if the above bounden A. B. shall well and truly pay or cause to be paid to the said Treasurer or his successors in office, on or before the first day of July now next following, the sum of [state the sum to be paid on or before the first day of July then next following], being one-half the amount payable for such Retail Licence, and now remaining due and unpaid for such Retail Licence, according to the provisions of "The Wine Act, 1855," then this obligation to be void, otherwise to be and remain in full force and effect.

Signed, sealed, and delivered in the presence of

(L.S.)

(L.S.)

(L.S.)

No. 4.

Bond given on a Retail Licence being granted.

SCHEDULE E.

WHEREAS a Retail Licence to sell, expose for sale, and to dispose of Spirituous Liquors, as defined by "The Wine Act, 1855," and numbered No. , was on day the day of , in the year of our Lord one thousand eight hundred and , in pursuance of the said Act, granted by [insert the Christian names and surname of the Treasurer at length], Esquire, the Treasurer of the Government of the Island of St. Vincent and its Dependencies, to A. B. of [state place of residence, whether in a Town, Village, Parish, Estate, or one of the Grenadines], in the Island of [as it may be], within the said Government [state the quality, trade, business, or occupation of A. B.]; and whereas the said A. B. now intends to use the said Retail Licence, so granted to him as aforesaid, in a Store [or Shop] other than the Store [or Shop] set forth in such Licence, I, the undersigned C. D., Esquire [Townwarden for the Town of, as it may be], within the said Government [or one of Her Majesty's Justices of the Peace in and for the said Government, as it may be], and resident in the Town [or Parish] of [as it may be], in the Island of [as it may be], do hereby certify that the Store [or Shop] situate in [state the street or lot, if in a Town, or the name of the Village, or Parish, or Estate, or other place, in which the Store or Shop may be situate, so that the Store or Shop may be distinctly designated], in which the said A. B. is now about to use such Retail Licence, is a fit, proper, and convenient place for such purpose.

See CL. XVIII.

Townwardens for the Town of
or Justice of the Peace [as it may be].

No. 5.

Certificate when the Store or Shop is other than the Store or Shop set forth in Licence.

SCHEDULE F.

ST. VINCENT—To wit.

WHEREAS a Retail Licence to sell, expose for sale, and to dispose of Spirituous Liquors, as defined by "The Wine Act, 1855," and numbered No. , was on day the day of , in the year of our Lord one thousand eight hundred and , in pursuance of the said Act, granted by [insert the Christian names and surname of the Treasurer at length], Esquire, the Treasurer of the Government of the Island of St. Vincent and its Dependencies, to A. B., of [state place of residence, whether in a Town, Village, Parish, Estate, or one of the Grenadines], in the Island of [as it may be], within the said Government [state the quality, trade, business, or occupation of A. B.]; and whereas the said A. B. departed this life on or about the day of instant [or last past], leaving C. D., of [state the residence and quality of C. D., as above], his heirs-at-law [or Executor or Administrator, as it may be]; and whereas the said Treasurer [insert the Christian name and surname of the said Treasurer for the time being, as it may be, and add "and now being the Treasurer for the said Government,"] has indorsed to him, the said C. D., the said Retail Licence, according to the Provisions of the said Act: Now, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that we, the said C. D. [state the Christian names and surnames of the Sureties at length, together with their residence, quality, &c., as above], are held and firmly bound unto the said [repeat the names of the Treasurer] as such Treasurer as aforesaid, and to his successors in office, in the just and full sum [state the total sum made up of the sum for which the said A. B. and his sureties were and the said C. D. and his sureties are about to be bound], that is to say, the said C. D., as principal, in the sum of [state the sum to be paid on or before the first day of July then next following, for the said Licence], as the said [repeat the names of the sureties], as his sureties, in the sum of [state the one-half of the sum to be so paid for the said Licence] each; to which payments well and truly to be paid, we bind ourselves, and each of us, our heirs, executors, and administrators, and each and every of them, firmly by these presents. Sealed with our seals, and dated this day, the day of , in the year of our Lord one thousand eight hundred and

See CL. XX.

Now the condition of this obligation is such, that if the above-bounden C. D. shall well and truly pay, or cause to be paid, to the said Treasurer, or his successors in office, on or before the first day of July now next following, the sum of [state the sum to be paid on or before the first day of July now next following], being the one-half the amount payable for such Retail Licence, and now remaining due and unpaid for such Retail Licence, according to the pro-

316 To Regulate the Sale of Wines and Spirituous Liquors.

No. 107.
9th February, 1855.

visions of "The Wine Act, 1855," then this obligation to be void, otherwise to remain in full force and effect.

Signed, sealed, and delivered in the presence of

(L. S.) (L. S.) (L. S.)

No. 6.

Bond given by Heir, &c., on a Retail Licence being renewed.

SCHEDULE G.

TREASURER'S OFFICE, ST. VINCENT, 185 .

See Cl. XXI. XXII.
and XXIII.

No.	HOTEL LICENCE.	No.
<p><i>A. B.</i>, of [<i>state the residence, whether in a Town, Village, Parish, Estate, or one of the Grenadines</i>], in the Island of [<i>as it may be</i>], within the Government of the Island of St. Vincent and its Dependencies [<i>state the quality, trade, business, or occupation of A. B.</i>], is hereby licensed to sell, expose for sale, and to dispose of any Wine or Spirituous Liquors (Rum not being included by the words "Spirituous Liquors,") in any quantity whatever, according to the provisions of "The Wine Act, 1855," but only to customers who shall drink the same in the Hotel [<i>or Inn or Lodging House as it may be,</i>] and on the premises, or within the precincts of any such Hotel [<i>or Inn or Lodging House, as it may be,</i>] in which the said <i>A. B.</i> is about to use such Hotel Licence, on and from the day of the date hereof, until the termination of the thirty-first day of December, one thousand eight hundred and ; the Hotel [<i>or Inn or Lodging House</i>], in which the said <i>A. B.</i> is so about to use such Hotel Licence, being situate in [<i>state the street or lot, if in a Town, or the name of the Village or Parish or other place in which the Hotel, or Inn, or Lodging House, as it may be, may be situate, so that the Hotel, or Inn, or Lodging House may be distinctly designated.</i>]</p>		

Treasurer.

No. 7.
Hotel Licence.

SCHEDULE H.

See Cl. XXIV.

I, the undersigned *A. B.*, Esquire, [*Townwarden for the Town of, as it may be*], within the Government of the Island of St. Vincent and its Dependencies; [*or one of Her Majesty's Justices of the Peace in and for the Government of the Island of St. Vincent and its Dependencies, as it may be*], and resident in the Town [*or Parish*] of [*as it may be*] in the Island of [*as it may be*], do hereby certify that *C. D.*, of [*state the residence, whether in a Town, Village, Parish, or one of the Grenadines*], within the said Government [*state the quality, trade, business, or occupation of C. D.*], is a person of good character and reputation, and that he [*or she*] is a fit and proper person to have granted to him [*or her*] an Hotel Licence to sell Wines and Spirituous Liquors, according to the provisions of "The Wine Act, 1855," and the terms set forth in the said Hotel Licence; and that the Hotel [*or Inn or Lodging House, as it may be*], situate in [*state the street or lot if in a Town, or the name of the Village or other place in which the Hotel, or Inn, or Lodging House, as it may be, may be situate, so that the Hotel, or Inn, or Lodging House, as it may be, may be distinctly designated*], in which the said *C. D.* is about to use such Hotel Licence, is a fit and proper place for such purpose.

Townwarden for the Town of
or Justice of the Peace [*as it may be*].

No. 8.

Certificate of character, and fitness of Hotel, Inn, or Lodging House.

SCHEDULE I.

See Cl. XXX.

THE QUARTERLY RETURN OF *A. B.* [*state the residence, whether in a Town, Village, Parish, Estate, or one of the Grenadines*], in the Island of [*as it may be*], within the Government of the Island of St. Vincent and its Dependencies, [*state the quality, trade, business, or occupation of A. B.*], and to whom a Retail Licence, No. , dated "Treasurer's Office, St. Vincent, 18 ,"

To Regulate the Sale of Wines and Spirituous Liquors. 317

was granted by the Treasurer, according to the provisions of "The Wine Act, " 1855," of all the Rum purchased by him on and from day, the day of , 18 , to and upon day, the day of , 18 .

No. 107.
9th February, 1855.

Names, &c. of the Persons from whom Rum has been purchased.			The Particulars of the Rum purchased.				
Names.	Residence.	Quality.	Number of Packages.	Description of Packages.	Number and Marks, if any, on Packages.	Name of Estate whence obtained, if from an Estate.	Quantity of Rum purchased in Gallons.
Christian names and surnames to be written at length.	Town, Village, Parish, Estate, or other Place.	Trade, Business, or Occupation.					

I, the above-named *A. B.*, do swear, upon the Holy Evangelists of Almighty God, that the Quarterly Return above set forth is a just and true Quarterly Return of all the Rum purchased by me during the Quarter to which the same refers. So help me God.

A. B.

Sworn to before me on day, the day of , in the year of our Lord one thousand eight hundred and , at [as it may be], in the Island of [as it may be]

TREASURER,
or Justice of the Peace [as it may be].

No. 9.

Quarterly Return of Rum purchased by Persons who have had a Retail Licence granted to them.

SCHEDULE K.

By the authority of "The Wine Act, 1855."

ST. VINCENT—To Wit.

THE Information of *A. B.*, of [as it may be], in the Island of [as it may be], within the Government of the Island of St. Vincent and its Dependencies [occupation], laid on day, the day of , in the year of our Lord one thousand eight hundred and , before me, the undersigned, one of Her Majesty's Justices of the Peace in and for the said Government, at the [as it may be] at [as it may be], in the Island of [as it may be], within the said Government, on Oath [but if on the oath of some other person, then say "on the Oath of C. D., of as it may be, in the Island of, as it may be], within the said Government [occupation], who saith that he has good cause to suspect *E. F.*, of [as it may be] in the Island of [as it may be], within the said Government [occupation], of selling Spirituous Liquors, as defined by "The Wine Act, 1855," contrary to the provisions of the said Act, [or according to the fact, taking care to state the grounds upon which the Information is intended to be laid for a Search Warrant to issue]; whereupon the said *A. B.* prayeth that a Search Warrant may be granted and issued to search the dwelling-house [or store, &c., as it may be], and other premises of him the said *E. F.*, in order that any such Spirituous Liquors, if found, may be seized and disposed of according to Law, and that the said *E. F.*, or the person in the occupation of the said dwelling-house [or store, &c., as it may be], or other premises, or the person apparently in charge of the said dwelling-house [or store, &c., as it may be], and other premises, may be dealt with according to Law.

See Cl. XLIII.

Taken and sworn to [if by another person, then say "by the said C. D.,"] at the at [as it may be], in the Island of [as it may be], within the said Government, on day the day of , in the year of our Lord one thousand eight hundred and

A. B., or *A. B.*, *C. D.*
Justice of the Peace.

No. 10.

Information on Oath to ground a Search Warrant to issue.

No. 107.
9th February, 1855.

SCHEDULE K.—No. 2.

By the authority of "The Wine Act, 1855."

To Constable, and to all other Constables or Peace Officers within the Government of the Island of St. Vincent and its Dependencies.

WHEREAS an Information in writing hath this day been laid before me, the undersigned, one of Her Majesty's Justices of the Peace in and for the Government of the Island of St. Vincent and its Dependencies, at the [as it may be], at [as it may be], within the said Government, by A. B. [as it may be], in the Island of [as it may be], within the said Government [occupation] on Oath [or on the oath of C. D., of, as it may be, in the Island of, as it may be, within the said Government], [occupation], who hath said that he has good cause to suspect, and does suspect E. F., of [as it may be], in the Island of [as it may be] within the said Government [occupation], of selling Spirituous Liquors, as defined by "The Wine Act, 1855," contrary to the provisions of the said Act, [or state, according to the fact, the grounds stated in the Information, and upon which the Information has been laid for the Warrant to issue], and that such Spirituous Liquors [or any such Rum, adulterated, &c., as it may be] are concealed in the dwelling-house [or store, &c., as it may be] and the premises of the said E. F., situate in [state the street or other place in which the house or store, as it may be, is situate]: These are, therefore, to command you, or any or either of you, with proper assistance, in Her Majesty's name, to enter the said dwelling-house [or store, as it may be,] and premises of him the said E. F., in the day or at any other time, and there diligently to search for such Spirituous Liquors [or any such Rum, adulterated, &c., as it may be]; and if any such Spirituous Liquors [or any Rum, adulterated, &c., as it may be,] be found upon such search, that you do seize the same, and that you do summon the said E. F. [or the person in the occupation of the said house or store, as it may be,] or the person apparently in the charge of the said dwelling-house [or store, as it may be,] and premises, to appear, at a certain time and place, before me, to answer to the said Information; and that you do, at the same time, make a Return to me of the manner in which you have executed this Warrant, and of that which you may have found on such search.

Given under my hand and seal, at the [as it may be], at [as it may be], in the Island of [as it may be], within the said Government, day, the day of , in the year of our Lord one thousand eight hundred and

C. D.,
Justice of the Peace.

No. 11.
Search Warrant.

SCHEDULE K.—No. 3.

By the authority of "The Wine Act, 1855."

ST. VINCENT—To Wit.

BE IT REMEMBERED, That on day, the day of instant [or last past], an Information was laid before me, G. H., Esquire, one of the undersigned, and one of Her Majesty's Justices of the Peace in and for the Government of the Island of St. Vincent and its Dependencies, by A. B. of [as it may be], in the Island of [as it may be], within the said Government [occupation,] on Oath [or on the oath of C. D., of, as it may be, in the Island of, as it may be, within the said Government, [occupation], who said that he had good cause to suspect and did suspect E. F., of [as it may be], in the Island of [as it may be, within the said Government], [occupation], of selling Spirituous Liquors, as defined by "The Wine Act, 1855," contrary to the provisions of the said Act [or state, according to the fact, the grounds stated in the Information and upon which the Search Warrant issued]; And whereas I the said G. H., as such Justice, did thereupon grant and issue a Search Warrant to search the dwelling-house [or store, as it may be,] and premises of him the said E. F.; and whereas I. K., Police Constable, to whom the said Warrant was directed, did search the said dwelling-house [or store, as it may be,] and premises, and did find thereon, to wit [here specify the Spirituous Liquors, &c., so found,] as appears by his return to such Warrant, duly made to me: And whereas the said I. K. did summon the said E. F. [or one L. M., in the occupation of the said dwelling-house, or store, as it may be, and premises,] to appear

before me, at [as it may be], at the hour of _____ of the clock, on _____ day, the _____ day of _____ instant [or last past]; and whereas I the said G. H., as such Justice, did thereupon verbally appoint the hour of _____ of the clock to-day [or as it may be], for the matter of the said Information to be inquired into, heard, and determined, before any two or more Justices of the Peace: And now at this day, to wit, on _____ day, the _____ day of _____, in the year of our Lord one thousand eight hundred and _____, at [as it may be], in the Island of [as it may be], the matter of the said Information having come on before us, the undersigned, two of Her Majesty's Justices in and for the said Government, and we, now, having heard the matter of the said Information, do order the said Spirituous Liquors [here specify the Spirituous Liquors to be sold, or Rum, &c., to be destroyed, as it may be,] to be sold, on _____ day, the _____ day of _____ instant [or next], between the hours of _____ of the clock in the forenoon and _____ of the clock at noon [as it may be], at [as it may be], in the Island of [as it may be].

No. 107.
9th February, 1855.

Given under our hands and seals, at the [as it may be], at [as it may be], in the Island of [as it may be], within the said Government, on _____ day, the _____ day of _____, in the year of our Lord one thousand eight hundred and _____

G. H. L. M.

No. 12.

Order for Spirituous Liquors to be Sold, or Rum, &c., to be destroyed.

SCHEDULE K.—No. 4.

By the authority of "The Wine Act, 1855."

To Mr. _____, Sergeant of Police, and to all other Constables and Peace Officers within the Government of the Island of St. Vincent and its Dependencies.

WHEREAS on the hearing of the Information, laid on _____ day, the _____ day of _____, in the year of our Lord one thousand eight hundred and _____, at [as it may be], in the Island of [as it may be], within the Government of the Island of St. Vincent and its Dependencies, before me, the undersigned, G. H., Esquire, one of Her Majesty's Justices of the Peace in and for the said Government, by A. B., of [as it may be], in the Island of [as it may be], within the said Government [occupation], on this day [as it may be], at [as it may be], in the Island of [as it may be], within the said Government, having come on before me, the said G. H. and L. M., Esquires, two of Her Majesty's Justices of the Peace in and for the said Government, and the matter of the said Information having been then and there heard, It was ordered that certain Spirituous Liquors, seized in the dwelling-house [or store, as it may be,] and premises of him, the said E. F. to wit [here specify the Spirituous Liquors to be sold, or Rum &c., to be destroyed, as in the order, No. 12], should be sold on _____ day, the _____ day of _____ instant [or now next], between the hours of _____ of the clock in [as it may be] and _____ of the clock [as it may be], in the Island of [as it may be]: These are, therefore, to command you, or any or either of you, in Her Majesty's name, to take and convey the said Spirituous Liquors to [as it may be], at [as it may be], in the Island of [as it may be], and there sell the same [or if Rum, destroy the same], on the day and between the hours hereinbefore mentioned and set forth; and I [or we] do further command you, after the payment of all costs and expenses, that you do pay over to me [or one of us] the proceeds of such sale, to be paid by me [or us] and applied according to Law.

Given under [my] hand and seal, at the [as it may be], at [as it may be], in the Island of [as it may be], within the Government, on _____ day, the _____ day of _____, in the year of our Lord one thousand eight hundred and _____

G. H. or L. M. or L. M., as it may be.

No. 13.

Warrant to sell or destroy Spirituous Liquors seized.

No. 108.

An Act to vest the Ordnance Lands and Buildings in the Island of St. Vincent and its Dependencies in Commissioners for the purposes of the Colonial Government.
[26th March, 1855.]

[Recites Act of 16th Jan. 1844 (No. 50), vesting Ordnance Lands, &c., in the "Principal Officers" of that Department.]

WHEREAS by an Act of the Legislature of the Island of St. Vincent and its Dependencies, made and passed the sixteenth day of January, in the year of our Lord one thousand eight hundred and forty-four, intituled "An Act for vesting all Estates and Property in the Island of St. Vincent and its Dependencies occupied for the Ordnance service in the Principal Officers of Her Majesty's Ordnance, and for granting certain powers to the said Principal Officers:" *It was enacted and declared*, That all Messuages, Lands, Tenements, Estates, and other Hereditaments, which had theretofore been set apart from the Crown Reserves and Estates and placed under the charge of the Ordnance Department or of the Governor or Deputy Governor respectively for the time being for military defence, or which had theretofore been purchased or taken by or in the name of or by any person or persons in trust for Her Majesty or her Royal predecessors and her and their heirs and successors, for the use or service of the said Ordnance Department or for military defence, or which had been used or occupied for those services, by whatever mode of conveyance the same should have been so purchased or taken, either in fee or for any life or lives, or any term or terms of years, or any other or lesser interest, and all erections and buildings which then were or which should or might be thereafter erected and built thereon, together with the rights, members, easements, and appurtenances to the same respectively belonging, should be and become, and remain, and continue, vested in the Principal Officers of Her Majesty's Ordnance in Great Britain for the time being, and their successors in office according to the respective nature and quality of the said messuages, lands, tenements, estates, and other hereditaments, and the several estates and interest of and in the same hereditaments respectively in trust for Her Majesty, her heirs and successors, for the service of the said Ordnance Department, or for such other public service or services as the said Principal Officers or their successors in the said office should from time to time order and direct: *And whereas*, Her Most Gracious Majesty has been pleased to signify, through the Right Honourable Her Majesty's Principal Secretary at War, her gracious intention that all such messuages, lands, tenements, estates, and other hereditaments as are comprised in the said hereinbefore in part recited Act of the said Legislature of the said Government of the said Island of St. Vincent and its Dependencies, and all other lands and buildings in the said Island heretofore used for Ordnance purposes, should be vested in the Colonial authorities of the said Government for the public uses of the said Government of the said Island and its Dependencies: *Be it therefore enacted* by the Governor, Council, and Assembly of the said Island of St. Vincent and its Dependencies, That the said recited Act, intituled "An Act for vesting all Estates and Property in the Island of St. Vincent and its Dependencies occupied for the Ordnance service in the Principal Officers of Her Majesty's Ordnance, and for granting certain powers to the said Principal Officers;" and every clause, matter, and thing therein contained shall from and immediately after the passing of this Act be repealed, and the same is and are hereby repealed accordingly.

[And H.M.'s intention to vest such Lands, &c., in the Colonial authorities.]

CL. I.
[Repeals the recited Act.]

CL. II.
[Ordnance Lands, &c., vested in Colonial authorities.]

That immediately on and from the passing of this Act all and every the messuages, lands, tenements, estates, and other hereditaments in the said Island of St. Vincent and its Dependencies included or comprised within the provisions and meaning of the said hereinbefore recited Act, or which prior to the passing of this Act were by the said recited Act or otherwise, vested in the said Principal Officers of Her Majesty's Ordnance in Great Britain, and their successors in office, or which have heretofore been purchased or taken by or in the name of or by any person or persons in trust for Her Majesty or her Royal predecessors, for the use and service of the Ordnance Department or for military defence or which have been used or occupied for those services, by whatever mode of conveyance the same shall

have been so purchased or taken, either in fee or for any life or lives or any term or terms of years or any other or lesser interest, and all erections and buildings which now are or which shall or may hereafter be erected and built thereon, together with the rights, members, easements and appurtenances to the same respectively belonging, shall by virtue of this Act be and become and remain and continue absolutely vested in the Officer administering the Government of the Island of St. Vincent and its Dependencies for the time being, the President of the Legislative Council of the said Government for the time being, and the Speaker of the House of Assembly of the said Government for the time being and their successors in office for ever, according to the respective nature and quality of the said messuages, lands, tenements, estates, and other hereditaments, but nevertheless to and for such uses, and upon and for such trusts, and to and for such ends, intents, and purposes for the public service of the said Government of the said Island of St. Vincent and its Dependencies, as shall from time to time be declared, ordered, or directed by act of the Legislature of the said Government; and shall be held, used, conveyed, and dealt with accordingly; and subject nevertheless to all or any lease or leases, agreement or agreements, for lease already entered into with or by the respective Officers of Ordnance of or in respect of any such messuages, lands, tenements, or hereditaments.

Provided always, and it is hereby expressly declared that nothing herein contained shall extend or be construed to affect the rights of Her Majesty, her heirs and successors, if at any time Her said Majesty, her heirs and successors, shall see necessity or occasion to occupy, and shall direct the occupation by any of Her Majesty's forces, or the forces of her heirs and successors of any fort, fortification, buildings, and land comprised within the operation of the present Act for the purpose of military defence.

No. 108.
26th March, 1855.

CL. III.
[Saving rights of the Crown.]

No. 109.

An Act to appropriate and to authorize the Letting on Lease of certain Public Lands and Buildings vested in Commissioners for the use of the Public and Government of St. Vincent. [7th August, 1855.]

WHEREAS, by an Act of the Legislature of the Government of the Island of St. Vincent and its Dependencies, made and passed the twenty-sixth day of March, in the present year one thousand eight hundred and fifty-five, intituled "An Act to vest the Ordnance Land and Buildings in the Island of St. Vincent and its Dependencies in Commissioners for the purposes of the Colonial Government," all Lands and Buildings in the said Government, theretofore vested in the Officers of Ordnance, were transferred to and vested in the Officers administering the Government of the said Island and its Dependencies for the time being, the President of the Legislative Council of the said Government for the time being, and the Speaker of the House of Assembly of the said Government for the time being, and their successors in Office for ever; but nevertheless, to and for such uses, and upon and for such trusts, and to and for such ends, intents, and purposes for the Public Service of the said Government as shall from time to time be declared, ordered, or directed by Act of the Legislature of the said Government, and to be held, used, conveyed, and dealt with accordingly: *And whereas*, it is deemed expedient to grant such powers to the said Commissioners in the said recited Act named as hereinafter contained, and to make and authorize the appropriation of the Lands and Building comprised within the provisions of the said recited Act, in manner hereinafter mentioned: *Be it therefore enacted*, by the Governor, Council, and Assembly of the Government of the Island of St. Vincent and its Dependencies, that immediately on the passing of this Act, and so from time to time as occasion shall require, it shall be lawful for the Commissioners nominated and appointed under the said hereinbefore recited Act to Let on Lease for any term or terms of years, or by the year, or such other shorter tenancy as shall be deemed most conducive to the public interest, to any person or persons willing to take the same on rent, all or any such

Preamble.

CL. I.
Commissioners of Public Lands and Buildings, authorized to Let same on Lease.

No. 109.
7th August, 1855.

Lands and Buildings as are comprised within the terms and provisions of the said recited Act as are not in and by this Act specifically appropriated or directed to be used for any special or particular purpose; and for such purpose to make, sign, seal, execute, and deliver all or any agreements or agreement, lease or leases for the same, reserving in any such agreement or lease the best rent that can be obtained for the same, with a provision that the same shall be paid at the Public Treasury in Kingstown, and with such covenants therein for the protection of the public interest as to the said Commissioners shall appear necessary in that behalf: *Provided always*, That a Return of all such agreements or leases as shall be so entered into shall be made to the House of Assembly annually between the thirtieth day of September and the thirty-first day of December.

CL. II.
Rents to be received,
payable at the Public
Treasury, and to form
a separate fund for
repairs, &c.

That all rents receivable for or in respect of any Lands or Buildings vested in the Commissioners aforesaid, and by them let out on lease or otherwise, shall be paid into the Public Treasury, and by the Treasurer passed to a separate account to be kept, and called "The Public Lands Account;" and all moneys paid into the Treasury on such account shall accumulate and form a fund applicable, in the first place, to such repairs of the said Buildings as shall not be provided for by the terms of the leases or agreements under which the same may for the time be held; and an Estimate of all such repairs shall be annually laid before the House of Assembly in the month of October, or at such other time as the Annual Estimates shall be laid before the said House of Assembly.

CL. III.
Commissioners to ap-
point Bailiff or Agent.

That it shall be lawful for the said Commissioners, or any two of them, whereof the Officer administering the Government shall be one, to constitute and appoint by Warrant under their hands and seals a person or persons to be a Bailiff or Bailiffs or Agent or Agents under them for the purposes of this Act, with the necessary powers and authorities to enable them to carry the same into execution, and at their will and pleasure to revoke any such appointment, and from time to time to renew the same; and also, in like manner, to appoint a person or persons to take care of and preserve the Citadel and Fortifications at Fort Charlotte, and to re-establish the practice of firing customary salutes, the morning and evening guns, and a gun announcing the appearance of vessels with the mails on board as soon as distinguished, and of signalling ships and vessels arriving on the windward and leeward sides of the Island, and otherwise performing the duties of a Telegraph as heretofore.

Person to be appointed
to take charge of For-
tifications, &c., at Fort
Charlotte, and to fire
guns and to make sig-
nals, &c.

CL. IV.
Premises heretofore
occupied as Ordnance
Stores, appropriated
for Public Offices, for
Colonial Secretary, &c.

That the lot of Land and Buildings in the Town of Kingstown heretofore and prior to the passing of the said hereinbefore recited Act used as the Ordnance Stores shall, until otherwise appropriated by the Legislature of the said Government, be appropriated and used as and for Public Offices for the said Government, and shall and may be allotted by the said Commissioners to the Public Officers undermentioned for the conduct therein of their official business; that is to say, the Colonial Secretary, the Controller of Navigation Laws, the Treasurer, the Landing Waiters, and the Colonial Engineer and Surveyor-General, if any: *Provided always*, That nothing herein contained shall be construed to authorize, or permit or to confer any power or authority in the said Commissioners to permit or suffer any part of the said last-mentioned premises to be occupied by any Public Officer, to whom any portion of the same may be allotted as a public office, as a private dwelling, other than [for] a house or office-keeper to be resident in some part of the building: *And provided always*, That nothing herein contained shall be construed to authorize or permit, or to confer any power or authority to the said Commissioners to permit or suffer any part of the said last-mentioned premises which may be allotted to the Colonial Secretary for the conduct therein of his public duties as such Colonial Secretary to be used or appropriated as an Office for the Registry of Deeds, or for the reception of any Public Records of the said Government, except such as relate to the Office of Colonial Secretary, or for any other purpose than for and as an Office for the Colonial Secretary.

CL. V.
Commissioners to
frame Rules for the
carrying out of this
Act.

That, for all and every the purposes aforesaid, the said Commissioners are hereby authorized to frame Rules and Regulations for the better and more effectually carrying out the provisions of this Act and the purposes

aforesaid, and the government of the persons to be engaged therein or in the duties to be assigned to them by the said Commissioners; and all such Rules and Regulations shall be laid before the Legislature at its first Meeting next after the making thereof respectively, and unless and until dissented from by either branch of the Legislature shall remain in full force.

That for the purposes of meeting the expenses attendant on the carrying out by the said Commissioners the provisions and objects of this Act it shall be lawful for the Governor from time to time, on the requisition in writing of the said Commissioners, or in the case of the absence of any one then on the requisition of any two of them, to issue his Warrant to the Treasurer for payment from and out of the fund to arise from the rents to be received in respect of the premises so vested in the said Commissioners, to carry out the duties imposed on them by the Act, but so, nevertheless, that no greater expenditure shall on any account be incurred by the said Commissioners than the rents and other moneys to be received as aforesaid by the said Commissioners in respect of the premises so vested in them shall amount to.

No. 109.
7th August, 1855.

CL. VI.
Governor on requisition of Commissioners to issue Warrant to Treasurer for paying expenses attendant on carrying out this Act.

No. 110.

An Act for better Enforcing Church Discipline.

[9th August, 1855.]

WHEREAS by an Act of this Island of St. Vincent and its Dependencies proclaimed on the sixteenth day of December, one thousand eight hundred and twenty-five, entitled "An Act for Establishing Spiritual and Ecclesiastical Jurisdiction over the Clergy of this Island and its Dependencies," Spiritual and Ecclesiastical jurisdiction is given to the Lord Bishop of Barbadoes and the Leeward Islands over the Clergy of these Islands, but the manner of proceeding in causes for the correction of Clerks is only partially and insufficiently provided for; for remedy whereof, and for the better enabling the Lord Bishop of the Diocese to enforce Church Discipline, and to prevent the use of or introduction into the Churches or other places of Public Worship of the United Church of England and Ireland as established by Law in this Colony of any novel and unauthorized articles or ornaments, and to prevent the introduction into the Services of the Church in this Colony of any novel and unauthorized practices or observances, *Be it enacted* by the Governor, Council, and Assembly of this Island of St. Vincent and its Dependencies, that in every case of any Clerk in Holy Orders of the United Church of England and Ireland, whether beneficed or unbeneficed, having the Cure of Souls in this Island of St. Vincent or its Dependencies, who may be charged with any offence against the Laws Ecclesiastical, or concerning whom there may exist scandal or evil report as having offended against the said laws, it shall be lawful for the Bishop within whose Diocese this Island and its Dependencies may for the time being be included, on the application of any party complaining thereof, or, if he shall think fit of his own mere motion, to issue a Commission under his hand and seal, in the Form in the Schedule A to this Act annexed, to five persons, of whom one shall be a person named by the party accused if the accused shall, within the fourteen days hereinafter next mentioned, nominate and send to the Bishop the name of such person so nominated by him, for the purpose of making inquiry as to the grounds of such charge or report: *Provided always*, That notice of the intention to issue such Commission, containing an intimation of the nature of the offence together with the names, addition, and residence of the party on whose application or motion such Commission shall be about to issue, shall be sent by the Bishop to the party accused fourteen days at least before such Commission shall issue.

Preamble.

CL. I.
Bishop authorized to issue Commission of Inquiry in case of Complaint against Clerk in Holy Orders.

And whereas it is deemed necessary to provide against the introduction or use by any Clerk in Holy Orders of the said Church of any novel, unaccustomed, and unauthorized ornaments in any of the Churches and Chapels and other public places of Worship in this Colony, and against the introduc-

CL. II.
Prohibits the introduction into the Church or Service that of any novel, unaccus-

No. 110.
9th August, 1855.

tomed, or unauthorized ornaments, practices, or observances.

CL. III.
In case of the introduction of any novel, unaccustomed, or unauthorized ornaments, practices, or observances, Commission of Inquiry to issue.

Provided such innovation be complained of by at least six persons, being communicants and renters of seats.

CL. IV.
Commissioners or any three of them to examine Witnesses on Oath.

On close of Commission, Judgment of majority of Commissioners to be openly and publicly pronounced.

tion into any of the Services of the Church of any new practices or observances not expressly authorized and directed by the Rubric, *Be it therefore enacted*, That it shall not be lawful for any Clerk in Holy Orders as aforesaid to introduce or use in any Church, Chapel, or other public Place of Worship in this Colony, or in the Services of the Church, any novel, unaccustomed decoration, ornament, or article whatever, or any new practice or observance whatever which is not expressly authorized and directed by the Rubric now in use, or as altered or amended by authority of Parliament or other competent authority.

And whereas difficulties may arise by reason of the peculiar position of the Clergy of this Colony and the difference which exists with regard to their appointments and emoluments and duties, and those of the Clergy of the Mother Country, *Be it therefore enacted*, That in case of any complaint against any Clerk in Holy Orders as aforesaid for neglect or transgression of duty, not already provided for by the Laws Ecclesiastical or by the preceding Clause of this Act, or for the introduction or use of any novel, unaccustomed, or unauthorized decorations, ornaments or article in any of the Churches, Chapels, or public Places of Worship in this Colony, or for the introduction of any novel and unauthorized practices and observance in the Services of the Church, it shall be lawful for the said Bishop, provided such complaint be made by at least six persons being communicants and renters of seats in the place of Worship where the act complained of shall have been introduced, and forwarded through the Church or Chapelwardens of such place of Worship, or of his own mere notion if he shall see fit, to issue a Commission to inquire into the matter of such complaint, in like manner and form as hereinbefore provided for in case of any breach of the Law Ecclesiastical: *Provided always*, That it shall be lawful for the Churchwardens of the parish, or the Chapelwardens in the case of a Chapel, being communicants, or for any one of them to prevent the introduction and use, and if necessary remove and keep removed until report can be made thereof by such Church or Chapelwardens to the Lord Bishop and his judgment thereupon pronounced, any new, unaccustomed, and unauthorized decoration or ornament which shall or may be introduced or used, contrary to the provisions of this Act, by any Clerk in Holy Orders in any Church or Chapel or other place of Public Worship in this Colony, or in any service of the Church therein without the previous sanction in writing of the Lord Bishop of the Diocese; *Provided* the use or introduction of such decoration or ornament be complained of to such Churchwardens or Chapelwardens or one of them by at least six persons, being communicants and renters of seats in the Church, Chapel, or place of Worship where the act or matter complained of shall have been introduced.

That it shall be lawful for the said Commissioners, or any three of them, to examine upon Oath, or solemn Affirmation in cases where an affirmation or declaration is allowed by Law instead of an oath, which oath, affirmation, or declaration shall be by them, or any one or more of them, administered to all Witnesses who shall be tendered to them for examination as well by any party alleging the truth of the charge, complaint, or report, or by the party accused, and to all Witnesses whom they may deem it necessary to summon for the purpose of fully prosecuting the inquiry and ascertaining whether there be sufficient *prima facie* ground for instituting further proceedings; and notice of the time when and place where every Meeting of the Commissioners shall be holden (except meetings by adjournment, of which adjournment the parties shall have had notice), shall be given in writing under the hand of one of the said Commissioners to the party accused seven days at least before the Meeting: and it shall be lawful for the party accused or his Agent to attend the proceedings of the Commission and to examine any of the Witnesses: and all such preliminary proceedings shall be public, unless, on the special application of the party accused, the Commissioners shall direct that the same, or any part thereof, shall be private; and when such preliminary proceedings, whether public or private, shall be closed, one of the said Commissioners shall, after due consideration of the depositions taken before them, openly and publicly declare the opinion of the

majority of the Commissioners present at such inquiry whether there be or be not sufficient *prima facie* ground for instituting further proceedings.

That the said Commissioners, or any three of them, shall transmit to the Bishop, under their hands and seal, a true copy of the Depositions taken before them, and also a Report of the majority of the Commissioners present at such inquiry whether or not there be sufficient *prima facie* ground for instituting proceedings against the party accused; and the original Depositions shall be certified by the said Commissioners, or any three of them, and together with a duplicate of the Report transmitted to the Bishop filed with the Registrar in Ordinary of this Island, for which he shall be entitled to receive a fee of Five Shillings; and a copy of such Depositions or Report shall be furnished by such Registrar, on application by the party accused or by the party prosecuting, on payment of a fee not exceeding Seven Pence for every one hundred words.

That in all cases where proceedings shall have been commenced under this Act against any such Clerk as aforesaid it shall be lawful for the Bishop, with the consent of such Clerk and of the party complaining, if any, first obtained in writing, to pronounce without any further proceedings such sentence as the said Bishop shall think fit, not exceeding the sentence which might be pronounced in due course of Law; and all such sentences shall be good and effectual in Law as if pronounced after a hearing according to the provisions of this Act, and may be enforced by the like means.

That if the Commissioners shall report that there is sufficient *prima facie* grounds for instituting proceedings, and the Bishop, or the party complaining, shall thereupon think fit to proceed against the party accused, Articles shall be drawn up, in triplicate original, and when approved and signed by a Barrister practising in the said Diocese, one thereof shall be lodged with the said Bishop, one thereof shall be filed with the said Registrar in Ordinary, and the other thereof shall be served upon the party accused by the party complaining, if any, or his Agent, or by such other person as the Bishop shall direct in that behalf; and such service shall be by personally delivering the same to him, or by leaving the same at the residence or house belonging to any preferment holden by him, or if there be no such house then at his usual or last known place of residence: and it shall not be lawful to proceed upon any such Articles until after the expiration of fourteen days after the day on which such triplicate original of the said Article shall have been so served upon the party accused.

That it shall be lawful for the said Bishop, by writing under his hand (in the Form in the Schedule B hereunto annexed), to require the party accused, or against whom any such Articles may be exhibited, to appear either in person or by his Agent duly appointed, as to the said party may seem fit, before him or his Commissary specially appointed in that behalf at any place within this Island or its Dependencies, and at any time after the expiration of the said fourteen days to make answer to the said Articles, within such time as to the Bishop or Commissary shall seem reasonable; and if the party shall appear and by his answer admit the truth of the Articles, the Bishop or his Commissary specially appointed for that purpose shall forthwith proceed to pronounce sentence thereupon according to the Ecclesiastical Law or the special provisions of this Act, as the case may be: *Provided always*, That any sentence pronounced by the said Commissary of the said Bishop shall, before the same shall be deemed final or registered, be approved of and ratified under the hand of the Bishop.

That if the party accused shall refuse or neglect to appear, or appearing shall refuse or neglect to make answer to the said Articles, or shall appear and make any answer to the said articles other than an unqualified admission of the truth thereof, the Bishop or his Commissary shall proceed to hear the cause either alone or with the assistance of three Assessors to be nominated by the Bishop or his Commissary, as the case may be, if the Bishop or his said Commissary shall see cause to call in the aid of such Assessors; and upon the hearing of such cause the Bishop or his Commissary, as the case may be, shall determine the same and pronounce sentence thereupon according to the Ecclesiastical Law or the special provisions of this Act, as the

No. 110.

9th August, 1855.

CL. V.

Copy of Depositions taken by Commissioners, with their Report, to be transmitted to Bishop.

Original Depositions to be filed in the Registrar's Office.

CL. VI.

Bishop, with consent of party complained against, may in first instance pronounce sentence without any further proceedings.

CL. VII.

If Commissioners report sufficient *prima facie* ground for instituting proceedings, Articles to be drawn up, exhibited, and filed.

Party accused to be served with a Copy of Articles.

And no Proceedings to be thereon had till after 14 days from such service.

CL. VIII.

Citation to party accused to be issued under hand of the Bishop.

Requiring party to appear before Bishop, or his Commissary, to answer to Articles at any time after expiration of 14 days.

Proviso.

That any sentence pronounced by Commissary shall be approved of before made final by Bishop.

CL. IX.

If default made by accused or answer put in, hearing to take place before Bishop or his Commissary.

Power to Bishop and his Commissary, if they shall think fit, to call in to their aid Assessors.

Judgment to be given in Cause.

No. 110.
9th August, 1855.

Provided that any Sentence pronounced by Commissary shall be approved of by Bishop.

CL. X.
Judgments and Sentences pronounced, to be filed in Registrar's Office in Ordinary.

Provided that no Sentence of Deprivation shall be made, except by Bishop.

CL. XI.
Clerk refusing to submit to or obey Sentence, to be deemed in Contempt, after ten days from Sentence pronounced.

Certificate of such Contempt to be lodged with Officer administering the Government.

Stipend of Clerk to cease to be payable until he submit.

Provided that no portion of stipend be paid for time during which Clerk was in Contempt.

CL. XII.
Appeal from Sentence of Bishop to H. M. Privy Council.

Pending Appeal, Sentence to remain in force except so far as awards Punishment.

Notice of Appeal and Bond to be given.

CL. XIII.
In case of Sentence on complaint or introduction of novel, unaccustomed, or unauthorized ornaments, observances, or practices, and either party dissatisfied therewith, Appeal to Archbishop of Canterbury.
Judgment of Archbishop final.

One month's notice to be given of intended Appeal.

CL. XIV.
Power to Bishop, in cases where he shall

case may be: *Provided always*, That any Sentence pronounced by the said Commissary of the said Bishop shall, before the same is deemed final or registered, be approved of and ratified under the hand of the Bishop.

That all Sentences which shall be pronounced in pursuance of this Act by the Bishop or by his Commissary, and approved of and ratified by the Bishop under his hand, shall be good and effectual in Law, and being filed and registered in the Registrar's Office in Ordinary of this Colony shall be deemed notice to all parties concerned, and the same shall and may be enforced in manner hereinafter directed and provided for: *Provided always*, That no Sentence of Deprivation shall be pronounced against any Clerk in Holy Orders in this Colony by any Commissary nominated by the Bishop, but only by the Bishop himself, after due hearing by him of the cause in which such deprivation shall be pronounced.

That any Clerk against whom any Sentence shall have been pronounced by the Bishop or his Commissary under the provisions of this Act, who shall neglect or refuse to submit himself thereto or obey the same within ten days after notice to him given of such sentence pronounced, shall be deemed and taken to be in contempt, and on a Certificate to that effect under the hand of the Bishop lodged with the Officer administering this Government by the Bishop, such Officer shall withhold his Warrant for payment of the stipend by Law assigned to such Clerk until the Bishop shall certify to such Officer that such Clerk hath submitted to and obeyed such sentence: *Provided always*, That no part of such stipend shall at any time afterwards be payable to such Clerk for the time during which he shall have continued in contempt.

That in any case in which any Clerk shall be proceeded against and judgment given in respect of any breach of the Law Ecclesiastical, and either party shall be dissatisfied with the sentence of the Bishop or of his Commissary, ratified as aforesaid, it shall be lawful for such party to appeal to Her Majesty in Council: *Provided always*, That Notice of Appeal, and such security as hereinafter mentioned, be given and perfected within three months of sentence pronounced, subject to such provisions, rules, and regulations and orders as are already by Law, or by the Judicial Committee of the Privy Council, made or as shall hereafter be made in that behalf; and pending such appeal, and until the decision of the Court of Appeal be made known, the sentence pronounced and appealed against shall remain in full force and effect, except so far as the same awards any punishment, in which particular only the execution of such sentence shall stand postponed until the decision of the Court of Appeal: *Provided always*, That before any such appeal shall be allowed notice thereof shall be given to the other side, and Bond in the penalty of Two Hundred Pounds entered into by the party appealing, with two sufficient sureties, before the Registrar in Ordinary, to pay all costs which may be awarded by the Court of Appeal to the other side; *And provided also*, That until such Notice and Bond be given the sentence or judgment shall be deemed to be in full force.

That in any case in which any Clerk shall be proceeded against for the introduction of novel or unaccustomed and unauthorized ornaments, observances, or practices, contrary to the provisions of this Act, and Sentence thereon pronounced by the Bishop or his Commissary, and either party shall be dissatisfied with such sentence, it shall be lawful for such party to require a copy of the Articles, Depositions, and Sentence, to be forwarded in duplicate by the Officer administering this Government, either to the Secretary of State for the Colonies, to be laid before his Grace the Archbishop of Canterbury, or to the said Archbishop direct; and the judgment of the said Archbishop thereon, under his hand, shall be deemed final without further appeal, and pending such last-mentioned appeal such sentence shall remain in full force and effect: *Provided always*, That any such appeal as last aforesaid shall be at the cost of the party appealing, and no such appeal shall be allowed unless made and notice given to the opposite side within one calendar month from the time of sentence registered as aforesaid.

That in every case in which, from the nature of the offence charged against any Clerk holding preferment in this Colony, it shall appear to the

Bishop that great scandal is likely to arise from the party accused continuing to perform the Services of the Church while such charge is under investigation, or that his ministration will be useless while such charge is pending, it shall be lawful for the Bishop to charge a notice to be served on such party, at the same time with the service of the articles aforesaid, or at any time pending any proceedings before the Bishop, or on appeal, inhibiting the said party from performing any Services of the Church in this Government from and after the expiration of fourteen days from the service of such notice, and until sentence shall have been given in such cause by the said Bishop or his Commissary, as the case may be; or, if such sentence shall be appealed from, such Inhibition shall and may be continued till the judgment of the Court of Appeal shall have been given thereon: *Provided*, That it shall be lawful for such party, being the Incumbent of a Benefice, within fourteen days after the service of the said notice, to nominate to the Bishop any fit person to perform all such Services of the Church during the period for which such party shall be so inhibited as aforesaid; and if the Bishop shall deem the person so nominated fit for the performance of such services, he shall grant his Licence to him accordingly; or in case a fit person shall not be nominated as aforesaid, the Bishop shall make such provision for the service of the Church as to him shall seem necessary: and in all such cases it shall be lawful for the Bishop to assign such stipend, not exceeding a moiety of the net annual income of the benefice or cure, as the said Bishop may think fit to be provided for as hereinafter mentioned: *Provided also*, That it shall be lawful for the said Bishop at any time to revoke such Inhibition and Licence respectively.

That whenever the Bishop shall licence any Clerk to perform the Services of the Church in this Colony, in the room of any Clerk inhibited as aforesaid, he shall transmit to the Officer administering this Government a Certificate thereof, and of the stipend assigned by him as hereinbefore provided for; and the person licensed shall be entitled to receive such stipend out of the Public Funds of this Colony, payable quarterly, and so in proportion for a less period than a quarter, from the day on which he shall enter upon his duties under such Licence during all [such] time as he shall perform such duties, and until such Licence shall be revoked by the Bishop, or shall from death or otherwise cease to operate; and the Officer administering this Government is hereby authorized to grant his Warrant quarterly to the Treasurer for payment of the same accordingly.

That whenever any Clerk in Holy Orders in this Colony shall be inhibited by the Bishop from performing the Services of the Church pending any proceedings as aforesaid, and shall duly submit to and obey such Inhibition, he shall, during the continuance in force of such Inhibition, notwithstanding any law, usage, or custom to the contrary, be entitled to receive from the Public Funds of this Colony only such sum of money as shall remain of the stipend, salary, or other provision, by Law assigned to or made for such Clerk, after satisfying the stipend which shall be assigned by the Bishop to the person who shall be licensed to perform such services in his room.

That whenever any Clerk in Holy Orders in this Colony shall be inhibited by the Bishop from performing the Services of the Church pending any proceedings as aforesaid, and such Clerk shall be contumacious, and shall refuse or neglect to submit to or obey such Inhibition, every such Clerk, in addition to being proceeded against as for a Contempt as hereinafter provided, shall absolutely forfeit all right and title to all salary, stipend, and other provision by Law made for such Clerk, during all such time as he shall remain contumacious, and shall refuse or neglect to submit to or obey such Inhibition.

That on a Certificate, under the hand of the Bishop, transmitted to the Officer administering this Government, certifying the Inhibition by the Bishop of any Clerk in Holy Orders in this Colony from performing the Services of the Church, and also certifying the contumacy and refusal or neglect of such Clerk to submit to or obey such Inhibition, the Officer administering this Government is hereby required to withhold and not to grant

No. 110.

9th August, 1855.

if necessary, to inhibit Clerk from performing services in the Church.

On such Inhibition, Incumbent of a Benefice to nominate fit person to officiate within 14 days after service of Notice of Inhibition.

If fit persons be not nominated within 14 days, Bishop to nominate.

Portion of Stipend of Clerk, inhibited, not exceeding one half, may be assigned by Bishop on Officiating Minister.

CL. XV.

In case of Inhibition, Certificate thereof to be transmitted by Bishop to Officer administering the Government.

Thereupon said Officer to issue his Warrant for payment of stipend assigned to Officiating Minister.

CL. XVI.

In case of Inhibition, Clerk inhibited, duly submitting to same, to receive portion of stipend remaining after payment of Officiating Minister.

CL. XVII.

In case of Inhibition, Clerk inhibited, if contumacious, to forfeit all stipend, salary, and other provision by Law made for such Clerk, during all such time as he shall refuse to submit.

CL. XVIII.

On Certificate by Bishop, that Clerk inhibited remains contumacious, no Warrant to be issued by Officer administering the Government for payment to him of any part of the stipend by Law provided,

No. 110.
9th August, 1855.

until Certificate transmitted to such Officer that such Clerk has submitted. Stipend to be then payable to such Clerk only from time of submission.

CL. XIX.

In case of Sentence of Deprivation of any Clerk, Certificate thereof to be transmitted by the Bishop to Officer administering the Government, whereupon the Living or Cure held by such Clerk to be deemed vacant.

Provided if Sentence appealed from Living or Cure not to be deemed vacant during Appeal, but Order of Inhibition to issue.

CL. XX.

Lawful for the Bishop or his Commissary, or Commissioners, to summons Witnesses.

Witnesses swearing falsely, guilty of Perjury.

CL. XXI.

Power to examine Witnesses, *videlicet*.

CL. XXII.

Suit or Proceeding to be had within two years after the offence or act committed or done.

his warrant to the Treasurer for the payment of the salary, stipend, or other provision by Law made for such Clerk so inhibited and remaining contumacious; and no warrant shall be issued for the payment to any such Clerk of any salary, stipend, or other provision by Law made for him, or any part thereof, until a Certificate shall be transmitted to the Officer administering this Government that such Clerk has submitted to and obeyed such Inhibition; and such warrant shall then only be granted for the payment to such Clerk of such salary, stipend, or other allowance, from the time of his submitting and conforming to the order of Inhibition.

That in every case in which the Bishop shall in any proceeding or cause before him, pronounce Sentence of Deprivation against any Clerk in Holy Orders holding any Benefice or Church proferment in this Colony, the Bishop shall certify such sentence to the Officer administering this Government, who is hereby authorized and required immediately thereupon by instrument in writing, under his hand and seal, to be filed in the Registrar's Office in Ordinary of this Colony, to declare the Benefice, Living, or Cure, held by the Clerk so deprived to be absolutely vacant, and thereupon the same shall be deemed in Law to be vacant; and it shall be lawful thereupon for the person thereto lawfully authorized in that behalf to present any other Clerk in Holy Orders, duly qualified, for institution into the same, and on institution to cause to be inducted the person so instituted into the said Living or Cure so declared vacant as aforesaid: *Provided always*, That if such sentence of deprivation shall be duly appealed from, and the appeal shall be prosecuted according to Law, and according to the rules of the Court where such appeal shall be pending, the Benefice, Living, or Cure, shall not be declared vacant, nor shall any other person be thereto presented for institution, nor inducted thereinto, until after the judgment of the Court of Appeal shall be duly certified and made known in this Colony; but, in lieu thereof, an order of Inhibition shall be pronounced and made by the Bishop in manner hereinbefore provided for, which shall remain, continue, and be in force until the judgment of the Court of Appeal shall be duly certified and made known as aforesaid.

That it shall be lawful, in any inquiry or proceedings under the provisions of this Act, for the Bishop, and for the Commissioners to be appointed by him under the provisions of this Act, or any three of such Commissioners, or for the Commissary of the Bishop, by Summons under his or their hands as hereinafter provided for, to require the attendance of such witnesses, and the production of such deeds, evidences, and writings as may be necessary, and to examine on oath or affirmation, where by Law an affirmation is allowed instead of an oath, which oath or affirmation such Bishop and Commissary, and such Commissioners, or any one of them, are hereby respectively authorized to administer, every witness who shall appear or be produced before him or them and examined in pursuance of this Act, and every such witness who shall wilfully swear or affirm falsely shall be deemed guilty of Perjury.

That in any Suit or Proceeding in any Ecclesiastical or other Court in this Colony under this Act, or in any proceeding under any Commission to be issued under the provisions of this Act, the Court, or Judge, or Bishop, or his Commissary, or the Commissioners acting in such Suit or Proceeding, shall and may, as it seem to them or him meet, examine all witnesses by word of mouth, and either before or after, or without examination by deposition or affidavit: and notes of such evidence shall be taken by the Judge, Bishop, Commissary, or Commissioners, or other person presiding at the trial or hearing of any such Suit or Proceeding, or on the taking of such examination, or by the Registrar or Secretary, or other officer or person thereto authorized, and in any such manner as the Court, Judge, Bishop, Commissary, or Commissioners shall direct.

That every Suit or Proceeding against any Clerk in Holy Orders for any offence against the Laws Ecclesiastical or the provisions of this Act, shall be commenced within two years after the act or the commission of the offence in respect of which the Suit or Proceeding shall be instituted or commenced, and not afterwards: *Provided always*, That whenever any such

Suit or Proceeding shall be brought in respect for [of] an offence for which a conviction shall have been obtained in any Court of Common Law, such Suit or Proceeding may be brought against the person convicted at any time within six calendar months after such conviction, although more than two years shall have elapsed since the commission of the offence in respect of which such Suit or Proceeding shall be so brought.

And, in order to enforce the attendance of Witnesses before the said Bishop or his Commissary, or before the said Commissioners, on an inquiry under the provisions of this Act, *Be it enacted*, That a Summons shall issue under the hand of the said Bishop or his Commissary, or under the hands of the said Commissioners, or any three of them, in the Form set forth in the Schedule C, to this Act annexed, directed to the Witness whose attendance is required; and a copy of such Summons, being served personally on the person therein required to appear at least four days before the day of attendance, shall be sufficient to all intents and purposes whatever: and any person so summoned neglecting or refusing to appear at the time and place in the said Summons named, or [who] attending shall refuse to be sworn or give evidence, or who shall depart before his or her examination shall be completed and closed, shall be liable to forfeit and pay the sum of Ten Pounds to the party aggrieved by such nonattendance, refusal, or departure, to be recovered by action of debt in the Supreme Court of Judicature in this Colony; and on due proof on oath of the service of such Summons, the Bishop or his Commissary, or the Commissioners, or any three of such Commissioners, as the case may be, shall certify such neglect, or refusal, or departure, under his or their hands, stating therein the cause in which the same took place, which shall be deemed sufficient *prima facie* evidence in any Court of Law in this Colony of such service of Summons, and of such neglect, refusal, or departure, as the case may be, in any such action without further proof: and in any such action it shall not be necessary to prove the pendency of any proceedings before such Bishop, Commissary, or Commissioners, but such Certificate as aforesaid shall be sufficient evidence that a cause was pending before him or them at the respective times of the service of the Summons, and of the neglect, refusal, or departure, as the case may be, and of the granting the Certificate aforesaid.

That any Clerk against whom any Sentence shall be pronounced by the Bishop or his Commissary, or by the Court of Appeal, under the provisions of this Act, and who shall neglect or refuse to submit to or obey, perform, or abide by such sentence, shall be deemed contumacious; and if the Bishop shall be satisfied that such Clerk ought to be pronounced in Contempt, it shall be lawful for the Bishop to pronounce such Clerk to be in Contempt: and he shall certify such Contempt to the Court of Chancery of this Colony, whereupon a Writ of Attachment shall issue out of such Court for such contempt directed to the Serjeant-at-Arms of the said Court, and which said Writ the Registrar of the said Court of Chancery is hereby required, on receipt of such certificate of Contempt under the hand of the Bishop, to issue, in the Form set forth in the Schedule D to this Act annexed, and shall indorse thereon the Fees payable for or in respect of such Writ, which shall be the same as for any other Writ of Attachment issued out of the said Court, and which shall be executed and returned in like manner as other Writs of Attachment for Contempt of the said Court of Chancery are executed and returned, and shall have the same force and effect as such last-mentioned Writs; and upon the obedience and due submission of the party so being in Contempt, the Bishop or his Commissary shall pronounce such party absolved from the Contumacy and Contempt aforesaid, and shall forthwith make an order upon the Serjeant-at-Arms, Gaoler, or other Officer in whose custody he shall be, in the Form in the Schedule E to this Act annexed, for discharging such party out of custody on paying the Fees by Law demandable for such Writ of Attachment and appearing thereon indorsed, and for the execution of the same; and such Serjeant-at-Arms, Gaoler, or other Officer shall, on such Order being shown to him, and so soon as such party shall have discharged the Costs lawfully incurred by reason of such custody and contempt, forthwith discharge him.

No. 110.
9th August, 1855.

CL. XXIII.
Summons to Witness
to issue, in Form in
Schedule C.

Copy thereof to be
served personally four
clear days before day
of attendance.

Witness summoned,
neglecting or refusing
to attend, or to be
sworn, &c., to forfeit,
&c.

Certificate of Bishop,
Commissary, or Com-
missioners, of such
neglect, or refusal of
Witness, to be suffi-
cient evidence of the
fact.

CL. XXIV.
Clerk against whom
sentence pronounced,
refusing to submit
thereto, to be deemed
in Contempt; Certifi-
cate under hand of the
Bishop to issue.

Such Contempt to be
certified to the Court
of Chancery of the
said Government of
St. Vincent, and there-
upon Contempt Pro-
cess to issue out of the
said Court, in like
manner as for a Con-
tempt of that Court.

Contempt purged,
Bishop to make Order
for Discharge.

No. 110.
9th August, 1855.

CL. XXV.

In case of the death, absence, &c., of Bishop, Vicar-General, if any, and if none, Archdeacon to exercise all the powers of the Bishop, except that of Deprivation.

CL. XXVI.
Construction of Act.

CL. XXVII.
Act to be cited as
"Church Discipline
Act."

And whereas it is necessary to provide for the carrying out the provisions of this Act in case of the absence of the Bishop from this Diocese, or of the death of the Bishop, and in the interval prior to the consecration of a successor, *Be it therefore enacted*, That in case of the departure and absence of the Bishop from this Diocese, and in case of the death of the Bishop of this Diocese, it shall be lawful for the Vicar-General of the Bishop, during the absence and in case of the death of the Bishop, and until a successor shall be consecrated and come and be within the Diocese, for the person who, on the death of the Bishop, shall be such Vicar-General, if any, and if none then for the Archdeacon resident in the Island of Barbadoes, to have and to exercise and do and perform in this Colony, under the provisions of this Act, all and every the acts, matters, and things, powers, and authorities which, under this Act, may or can, or ought or could be done, performed, or exercised by the Bishop of the Diocese, if present therein, save only the power to pronounce Sentence of Deprivation, the power to pronounce which sentence it is hereby expressly declared shall be vested only in the Lord Bishop of the Diocese.

That, unless it shall otherwise appear from the context, the term "Preferment," when used in this Act, shall be construed to comprehend all Benefices with cures of souls, comprehending therein all Parishes, Perpetual Curacies, Island Curacies, Endowed Public Chapels, Parochial Chapelries, and Chapelries in Districts belonging to or reputed to belong to, or annexed or reputed to be annexed to any Church or Chapel, and every Curacy, Readership, Chaplaincy, office or place, which requires the discharge of any spiritual duty; the words "this Colony" shall be construed to mean and comprehend the Islands of St. Vincent, Bequia, and all other the Islands lying to the Northward of Carriacou, in America; the word "Month" shall mean calendar month; the word "Bishop" shall mean the Bishop within whose Diocese this Island of St. Vincent and its Dependencies shall for the time being be included; and unless there be something in the context repugnant thereunto, any word denoting the singular number or the male sex shall be taken to mean and include any number of persons or things and both sexes.

That in citing this Act in any other Act, and in all other legal instruments, it shall be enough to use the words or expression, "The Church Discipline Act, 1855."

SCHEDULE A.

BY AUTHORITY OF THE CHURCH DISCIPLINE ACT, 1855, ST. VINCENT.
DIOCESE OF BARBADOES.

To A. B., C. D., E. F., G. H., and I. K. (*five Commissioners*).

WHEREAS complaint hath been made to me by [the Complainant],—[or if the Commission shall be issued by the Bishop, before or without complaint made by another. Whereas I have thought it fit and necessary to institute inquiry] concerning [L. M., the party complained against], being a Clerk in Holy Orders of the United Church of England and Ireland, having the cure of souls, in the [Parish of, or as the case may be], in the Government of the Island of St. Vincent, touching [here set forth the conduct, proceeding, or matter to be inquired into]; Now, therefore, I do hereby, and by this Commission by me issued under my hand and seal, pursuant to the provisions of "The Church Discipline Act, 1855," of the said Government of the said Island of St. Vincent, constitute and appoint you, the above-named [Commissioners' names], Commissioners of Inquiry, to make inquiry into and concerning the matter and things aforesaid, and examine on oath all such Witnesses as shall be produced before you in the matter of such Inquiry, pursuant to the provisions of the said Church Discipline Act, and to report concerning the same in manner provided by the said recited Act, and for so doing this shall be your Warrant and commission.

Given at
of Barbadoes, this

hand and seal, at
day of

, within the Diocese
, in the year of our Lord 18

Commission of Inquiry.

SCHEDULE B.

BY AUTHORITY OF THE CHURCH DISCIPLINE ACT, 1855, ST. VINCENT.

DIocese of BARBADOES. }	A. B.	Complainant.
ST. VINCENT. }	C. D.	Defendant.

To C. D. [the party accused, or against whom Articles shall have been exhibited].

THESE are to cite and require you, the above-named [C. D.], personally, or by such Agent as you shall duly appoint in that behalf, to appear before [me] [or before C. B., my Commissary, specially appointed in that behalf,] at in the said Island of St. Vincent, on , the day of , in the year of our Lord one thousand eight hundred and , then and there to make answer to certain Articles exhibited against you by [the accuser], [copy whereof has been duly served on you, fourteen days, at least, prior to the issuing of this citation], and to stand to and abide by and perform such Order, Decree, or Sentence thereon as shall be made or pronounced in that behalf.

Given under my hand, at , within the Diocese of Barbadoes, this day of , in the year of our Lord 18 .
Citation for Defendant.

SCHEDULE C.

BY AUTHORITY OF THE CHURCH DISCIPLINE ACT, 1855, ST. VINCENT.

DIocese of BARBADOES. }	A. B.	Complainant.
ST. VINCENT. }	C. D.	Defendant.

By [Bishop by name], or [Commissary by name], or [Commissioners by name or any three of them].

To E. F., G. H., I. K. [as many Witnesses as may be required to be summoned].

THESE are to require you [and each and every of you, where more than one], personally to be and appear before [me, the above-named Bishop or Commissary], [or us, the Commissioners undernamed, and other the Commissioners named in this behalf], at , in the parish of , in the Island of St. Vincent, at the hour of of the clock in the forenoon, [or at noon, or afternoon, as the case may be,] on , the day of , in the year of our Lord one thousand eight hundred and , then and there to testify the truth of your knowledge [on behalf of the above-named Complainant or Defendant, as the case may be], in a certain Charge or Complaint pending against the above-named Defendant, under the provisions of "The Church Discipline Act, 1855," of this Government; and herein fail not, under pain of the Penalty by the said recited Act imposed in that behalf.

Given under [my, or our, hand or hands], at , within the Diocese of the said Island of Barbadoes, this day of , 18 .
Summons to Witness.

SCHEDULE D.

BY AUTHORITY OF THE CHURCH DISCIPLINE ACT, 1855.

DIocese of BARBADOES. }	VICTORIA, by the Grace of God of the United King-
ST. VINCENT. }	dom of Great Britain and Ireland Queen, Defender of
In Chancery. }	the Faith.

To , Sergeant at-Arms of our said Court of Chancery.

WHEREAS it hath been duly certified to us, by our trusty and right Reverend Father in God, the Lord Bishop of Barbadoes, that C. D. [the party in contempt], in a certain cause pending before the said Bishop, is contumacious, and refuseth to submit himself to a certain Order, Decree, or Sentence in that behalf duly pronounced, and hath been duly pronounced in Contempt, under the provisions of "The Church Discipline Act, 1855." Now we, being willing and desirous to enforce obedience thereto, do command you that, on receipt hereof, you do attach the body of the said C. D. for the said contempt, and him the said C. D. safely keep attached until he shall have purged away his said contempt, and until Order, duly made certifying the same shall be passed, under the hand of the said Lord Bishop, discharging the said C. D. from his said contempt, pursuant to the provisions of the

No. 110.
9th August, 1855.

said recited Act, and until the Fees duly payable in respect of this present Writ of Attachment, as indorsed hereon, and the further Fees for the execution hereof, be fully paid and discharged.

Witness our trusty and well-beloved [] our Chancellor of our said Island of St. Vincent, this day, 18 .

Passed the Registrar's Office.

Indorsed.—The Fees payable on the within Writ are

(Signed) X. Y., Registrar.

(Attachment.)

SCHEDULE E.

BY AUTHORITY OF THE CHURCH DISCIPLINE ACT, 1855.

DIOCESE OF BARBADOES. To , the Serjeant-at-Arms in Chancery.
ST. VINCENT. } [Gaoler, or other person in whose custody the party
IN Chancery. } attached may be].

WHEREAS C. D. [the party attached], lately attached under Writ of Attachment, issued out of this Honourable Court for Contumacy and Contempt, duly certified by me to his Excellency the Chancellor of the said Government of St. Vincent, pursuant to the provisions of the "Church Discipline Act, 1855," hath purged himself from his said Contempt: Now, therefore, I have, in pursuance of the provisions of the said recited Act, pronounced the said C. D. absolved from his said Contumacy and Contempt; and do, by virtue of the powers in me vested in and by the said recited Act, order and direct you, the said Serjeant-at-Arms, or other Officer or person in whose custody the said C. D. shall be by virtue of the said Writ of Attachment, forthwith, on receipt of this Order, to discharge the said C. D. out of your custody, on payment by him of the Fees lawfully incurred by reason of such Writ of Attachment; and for so doing this shall be your Warrant.

Given under my hand, at , within the Diocese of Barbadoes, this day of , 18 .

Order of Discharge from Attachment.

No. 111.

An Act for vesting a certain piece of Land at the North-West end of the Court House, in the Town of Kingstown, in the Townwards of the Town of Kingstown; and for incorporating the same, together with certain parts of the Lands formerly belonging to Kingstown Park Estate, immediately adjoining the said Town, and now built on, within the limits of the said Town. [9th August, 1855.]

Preamble.

WHEREAS, by an Act of the Legislature of the said Island, published the fifteenth day of May, in the year of our Lord one thousand eight hundred and forty-five, a certain sum of Three Hundred Pounds was granted to the Townwards of the Town of Kingstown for the time being, for the purpose of effectually draining the swampy Lands situate at the North-West end of the Court House, and immediately adjoining the Town of Kingstown, being the Land described in the Diagram to this Act annexed as Lot Number Six: And whereas the Townwards for the time being, prior to expending the said sum, negotiated for and effected an exchange of certain Public Lands adjoining the said Swamp, and described in the said Diagram as Lot Number Seven, and containing two acres three roods and twelve perches of Land, with the Reverend Charles Paul and others, the owners of the said Land of the said Swamp Number Six, and possession of such Public Land was given by the said Townwards for the time being to John Horne, Esquire, the then Attorney or Agent of the said Reverend Charles Paul, and the same hath ever since remained in such possession, and the Townwards were then put and are now in possession of the Land of the said Swamp Number Six in exchange for such Public Land: And whereas it is expedient and

necessary, in order to prevent a recurrence of the mortality which for some years has taken place in the immediate vicinity of the Court House and Gaol, that the said Land called the Swamp, and described as Lot Number Six in the said Diagram, and containing also two acres three roods and twelve perches, and also the Land immediately adjoining the same on the South side, and intervening between it and that part of the said Town called St. James' Place, and described in the said annexed Diagram as Lots Numbers Two and Three, together with the Lot adjoining thereto, numbered Four, and the Street leading to the same, numbered Five in the said Diagram, and all streets, roads, and paths belonging thereto, or any part thereof, should be forthwith incorporated within the limits and form and constitute part of the Town of Kingstown, and be subject and liable to all Regulations of Police, and to all such other Laws, Orders, Rules, and Regulations as are now in force for the sanitary regulation and the good government of the said Town; *Be it therefore enacted*, by the Officer administering the Government of the said Island of St. Vincent, the Council, and the Assembly of the same, that from and after the publication of this Act, the Land of the said Swamp, as described in the Plan or Diagram annexed to this Act and numbered therein Number Six, with the appurtenances, shall be and the same is hereby declared vested in the Townwardens of the said Town of Kingstown for the time being, and their successors in office for ever, for the use of the inhabitants of the Town, and for such other public uses as may be declared by any Act of the Legislature hereafter to be passed.

And whereas the said piece or parcel of Land so given in exchange by the Townwardens to the said Reverend Charles Paul for the Land of the said Swamp, hath been deemed and is supposed to be vested in the Townwardens of the said Town of Kingstown for the time being; [that] for settling all doubts as to the person in whom the same is vested, *Be it enacted*, That it shall be lawful for the Townwardens of Kingstown for the time being, or any four of them, to sign, seal and execute a Conveyance of the said Land so given in exchange to the said Reverend Charles Paul, and his Heirs and Assigns, to such and the like uses as the said Land so taken in exchange from him was subject and liable to; and such Conveyance so made, reciting the exchange made as aforesaid, shall be deemed to vest the said Land absolutely in the Grantee or Grantees, according to the tenour and effect of such Conveyance.

That the Land of the said Swamp so taken in exchange, and the Land immediately adjoining the same on the South side thereof, and lying between it and St. James' Place, and comprised in the description of Lot Number Six, Lot Number Two, Lot Number Three, Lot Number Four, and the two Streets or Roads described with the Numbers Five and Nine in the said Diagram, shall be and the same and every part thereof, and the buildings, tenements, and erections thereon, and every of them are and is hereby incorporated with and declared to be part and parcel of the said Town of Kingstown; and the same Lands, and every of them and every part thereof, and the owners and occupiers of the same shall be entitled to all and every such and the same benefits, rights, privileges, immunities, and advantages as are or may be enjoyed by any other Town lots or buildings, or by the owners or occupiers thereof, and shall be and they are hereby, from the day of the publication of this Act, made subject and liable to all such and the like jurisdictions, powers, regulations, and authorities as any other Town lots in the Town of Kingstown, and the erections thereon, and the owners and occupiers of the same, are now and may be at any time hereafter subject and liable to for preserving the peace and for maintaining the good government of the said Town.

No. 111.
9th August, 1855.

CL. I.
Vesting Lot of Land adjoining the Town of Kingstown, taken in exchange for a like quantity of Public Land, in the Townwardens of the Town of Kingstown.

Preamble.

CL. II.
Townwardens of Kingstown to execute Conveyance of Land, given in exchange to the Reverend Charles Paul, and others.

CL. III.
Lands taken in exchange, together with other Lands adjacent thereto, incorporated into the Town of Kingstown.

No. 112.

An Act to Enlarge the Town of Barrouallie, in the Parish of St. Patrick.
[9th August, 1855.]

WHEREAS certain parcels or portions of the Lands of the Reversion Estate, situate in the Parish of St. Patrick, in the Island of St. Vincent, being eight separate parcels immediately adjoining to and bounding on the Town of Barrouallie, as represented in the diagram thereof by the late James Thomas Fox, Esquire, Crown and Colony Surveyor to this Act annexed, and being respectively distinguished in the said diagram by the mark or letter R, and numbered from one to eight and coloured red, have been severed from the said estate and sold in lots to various purchasers: *And whereas*, The purchasers thereof derive the full benefit of frontage and all Police and other Regulations enforced in the said Town, but being without the boundaries of the said Town are not within the provisions of the Act for regulating the said Town, and it is deemed expedient to incorporate the said several portions of Land aforesaid into and within the said Town of Barrouallie.

Be it therefore enacted by the Governor, Council, and Assembly of the said Island of St. Vincent and its Dependencies, that from and immediately after the passing of this Act the said eight several lots, pieces or parcels of Land heretofore forming part of the said Reversion Estate, described in the said diagram hereto annexed as situate without the boundary of the said Town, and therein distinguished by and marked with the letter R, and numbered from one to eight inclusive, and coloured red, the said piece or parcel marked R and numbered one, being bounded northerly, north-easterly, north-westerly, and westerly by Lands of the said Reversion Estate, southerly partly by the sea beach and partly by the churchyard, south-easterly by the churchyard, and south-westerly by sea beach; Lot number two being bounded northerly partly by Lands of the said Reversion Estate and partly by the Public Highway, southerly by the Town of Barrouallie, easterly by the Public Highway, and westerly partly by the churchyard and partly by Lands of the said Reversion Estate; Lot number three bounded northerly, north-easterly, and north-westerly by the Public Highway, southerly, south-easterly, and south-westerly by the said Town of Barrouallie; Lot number four bounded northerly by the road leading from the Public Highway to the said Reversion Estate, southerly by the Town of Barrouallie, easterly by Lands of the said Reversion Estate, and westerly by the Public Highway; Lot number five bounded on all sides except on the south by Lands of the said Reversion Estate, and on the south by the aforesaid road leading from the Public Highway to the said Reversion Estate; Lot number six bounded on the north by the Town of Barrouallie, on the south by a road leading from the public road to the said Reversion Estate, on the east by Lands of the said Reversion Estate, and on the west by the Public Highway; Lot number seven bounded northerly partly by the said road last mentioned leading from the Public Highway to the said Reversion Estate, partly by the said Public Highway, and partly by the Town of Barrouallie, southerly and easterly by Lands of the said Reversion Estate, and westerly by the said Town of Barrouallie; Lot number eight bounded northerly partly by the Public Highway and partly by the Town of Barrouallie, north-easterly and easterly by the Public Highway aforesaid, westerly partly by the Town of Barrouallie and partly by the Glebe or Parsonage Land, and every of them, and every part and parcel thereof respectively shall form and be parts and parcels and part and parcel of the Town of Barrouallie, and with the Buildings thereon, and the owners and possessors thereof respectively shall be subject and liable to all and every such and the same and the like powers, authorities, and jurisdictions, and especially to the jurisdiction of the Town-wardens of the Town of Barrouallie; and shall be subject and liable to all and every the like assessments, rates, taxes, charges, and impositions as all or any other lots and parcels of Land within the said Town, or the owners or possessors thereof now are or shall hereafter by Law be subject and liable to, and shall have and enjoy all and every the same rights, privi-

leges, immunities, and advantages, anything to the contrary in any Act of the said Island contained to the contrary notwithstanding.

That this Act, and an Act of the said Government published the sixth day of March Anno Domini one thousand eight hundred and forty-four, entitled "An Act for the appointment of Townwardens for the Towns of "Georgetown, Layon, Barrouallie, and Chateaubellair, with power enabling "them to keep the same in a proper state and condition, and to repeal a "certain other Act for that purpose," shall be construed together and read and taken as one Act; and that all and every the provisions of the said recited Act shall extend to this Act and to all and every the Lands hereby incorporated into the said Town of Barrouallie, and to all and every the owners and possessors of the same, and to all other persons interested therein, and to all erections and Buildings erected or to be erected on the said several parcels of Land or either of them or any part thereof.

No. 112.
9th August, 1855.

No. 113.

An Act for further Improving the Administration of Criminal Justice and the better Prevention of Offences, and for Abolishing the Punishment of Death in certain cases, and substituting a Lesser Punishment in lieu thereof. [29th August, 1855.]

WHEREAS offenders frequently escape Conviction on their trials by reason of the technical strictness of Criminal proceedings in matters not material to the merits of the case: *And whereas*, such technical strictness may safely be relaxed in many instances so as to ensure the punishment of the guilty without depriving the accused of any just means of defence: *And whereas*, a failure of justice often takes place in the trial of persons charged with Felony and Misdemeanour by reason of variations between the statement in the Indictment on which the trial is had and the proof of names, dates, matters, and circumstances therein mentioned not material to the merits of the case, and by the misstatements whereof the person on trial cannot have been prejudiced in his defence: *Be it therefore enacted* by the Governor, the Council, and the Assembly of the Island of St. Vincent and its Dependencies, and it is hereby enacted by the authority of the same as follows:—

Preamble.

From and after the coming into operation of this Act, whenever on the trial of any Indictment for any Felony or Misdemeanour there shall appear to be any variance between the statement in such Indictment and the evidence offered in proof thereof in the name of any parish, town, or place mentioned or described in any such Indictment, or in the name or description of any person or persons, or body politic or corporate, therein stated or alleged to be the owner or owners of any property, real or personal, which shall form the subject of any offence charged therein, or in the name or description of any person or persons, body politic or corporate, therein stated or alleged to be injured or damaged, or intended to be injured or damaged by the commission of such offence, or in the Christian name or surname or both Christian name and surname, or other description whatsoever of any person or persons whomsoever therein named or described, or in the name or description of any matter or thing whatsoever therein named or described, or in the ownership of any property named or described therein, it shall and may be lawful for the Court before which the trial shall be had, if it shall consider such variance not material to the merits of the case, and that the Defendant cannot be prejudiced thereby in his defence on such merits, to order such Indictment to be amended according to the proof by some Officer of the Court or other person, both in that part of the Indictment where such variance occurs and in every other part of the Indictment which it may become necessary to amend on such terms as to postponing the trial to be had before the same or another Jury as such Court shall think reasonable; and after any such amendment the trial shall proceed, whenever the same shall be proceeded with, in the same

CL. I.
The Court may amend certain variances, not material to the merits of the case, and by which the Defendant cannot be prejudiced in his defence, and may either proceed with or postpone the trial, to be had before the same or another Jury.

No. 113.
29th August, 1855.

manner in all respects and with the same consequences, both with respect to the liability of Witnesses to be indicted for perjury and otherwise, as if no such variance had occurred; and in all such cases the Order for the amendment shall be indorsed on the Indictment, or shall be engrossed on paper and filed, together with the Indictment, among the Records of the Court: *Provided*, That in all such cases where the trial shall be so postponed as aforesaid it shall be lawful for such Court to respite the recognizances of the Prosecutor and Witnesses, and of the Defendant and his Surety or Sureties, if any, accordingly; in which case the Prosecutor and Witnesses shall be bound to attend to prosecute and give evidence respectively, and the Defendant shall be bound to attend to be tried at the time and place to which such trial shall be postponed without entering into any fresh recognizances for that purpose, in such and the same manner as if they were originally bound by their recognizances to appear and prosecute and give evidence at the time and place to which such trial shall have been so postponed: *Provided also*, That where any such trial shall be to be had before another Jury, the Crown and the Defendant shall respectively be entitled to the same challenges as they were respectively entitled to before the first Jury was sworn.

CL. II.
Verdicts and Judgments valid after amendments.

Every Verdict and Judgment which shall be given after the making of any amendment under the provisions of this Act shall be of the same force and effect, in all respects, as if the Indictment had originally been in the same form in which it was after such amendment was made.

CL. III.
Records to be drawn up in amended form, without noticing the amendments.

If it shall become necessary at any time for any purpose whatsoever to draw up a formal Record, in any case where any amendment shall have been made under the provisions of this Act, such Record shall be drawn up in the form in which the Indictment was after such amendment was made, without taking any notice of the fact of such amendment having been made.

CL. IV.
The means by which the injury was inflicted need not be specified in Indictments for Murder or Manslaughter.

In any Indictment for Murder or Manslaughter preferred after the coming into operation of this Act it shall not be necessary to set forth the manner in which, or the means by which, the death of the deceased was caused, but it shall be sufficient in every Indictment for Murder to charge that the Defendant did, feloniously, wilfully, and of his malice aforethought, kill and murder the deceased, and it shall be sufficient in every Indictment for Manslaughter to charge that the Defendant did feloniously kill and slay the deceased.

CL. V.
Forms of Indictment in cases of Forgery, and uttering, stealing, &c., any instrument.

In any Indictment for Forging, uttering, stealing, embezzling, destroying, or concealing, or for obtaining by false pretences any instrument, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or fac-simile thereof, or otherwise describing the same or the value thereof.

CL. VI.
Engraving Plates, &c.

In any Indictment for Engraving or making the whole or any part of any instrument, matter, or thing whatsoever, or for using or having the unlawful possession of any plate or other material upon which the whole or any part of any instrument, matter, or thing whatsoever, shall have been engraved or made, or for having the unlawful possession of any paper upon which the whole or any part of any instrument, matter, or thing whatsoever, shall have been made or printed, it shall be sufficient to describe such instrument, matter or thing by any name or designation by which the same may be usually known, without setting out any copy or fac-simile of the whole or any part of such instrument, matter, or thing.

CL. VII.
In other cases.

In all other cases, wherever it shall be necessary to make any averment in any Indictment, as to any instrument, whether the same consist wholly, or in part, of writing, print, or figures, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or fac-simile of the whole or any part thereof.

CL. VIII.
Intent to defraud any particular person need not be alleged or proved in cases of

From and after the coming into operation of this Act, it shall be sufficient, in any Indictment for Forgery, uttering, offering, disposing of, or putting off any instrument whatsoever, or for obtaining, or attempting to obtain, any property by false pretences, to allege that the Defendant did the

act with intent to defraud, without alleging the intent of the Defendant to be to defraud any particular person ; and on the trial of any of the offences in this section mentioned it shall not be necessary to prove an intent on the part of the Defendant to defraud any particular person, but it shall be sufficient to prove that the Defendant did the act charged with intent to defraud.

And whereas offenders often escape conviction by reason that such persons ought to have been charged with attempting to commit offences, and not with the actual commission thereof; for remedy thereof, *Be it enacted*, That if on the trial of any person charged with any Felony or Misdemeanour it shall appear to the Jury upon the evidence that the Defendant did not complete the offence charged, but that he was guilty only of an attempt to commit the same, such person shall not, by reason thereof, be entitled to be acquitted, but the Jury shall be at liberty to return as their Verdict that the Defendant is not guilty of the Felony or Misdemeanour charged but is guilty of an attempt to commit the same, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an Indictment for attempting to commit the particular Felony or Misdemeanour charged in the said Indictment, and no person so tried as herein lastly mentioned shall be liable to be afterwards prosecuted for an attempt to commit the Felony or Misdemeanour for which he was so tried.

And whereas, by a certain Act of the Legislature of these Islands, passed the 11th April, 1844, intituled "An Act to alter and amend an Act intituled "An Act to extend parts of certain Acts of the Imperial Parliament to "these Islands for the administration of Criminal Justice," *It is enacted*, That on the trial of any person for any of the offences thereinbefore mentioned, or for any Felony whatever, where the crime charged shall include an assault against the person, it shall be lawful for the Jury to acquit of the Felony and to find a Verdict of guilty of Assault against the person indicted, if the evidence shall warrant such finding; And whereas difficulties may arise in the construction of such enactment; for remedy thereof, *Be it enacted*, That the said enactment shall be and the same is hereby repealed.

If, upon the trial of any person upon any Indictment for Robbery, it shall appear to the Jury, upon the evidence, that the Defendant did not commit the crime of Robbery but that he did commit an Assault with intent to rob, the Defendant shall not, by reason thereof, be entitled to be acquitted, but the Jury shall be at liberty to return as their Verdict that the Defendant is guilty of an Assault with intent to rob, and thereupon such Defendant shall be liable to be punished in the same manner as if he had been convicted upon an Indictment for feloniously assaulting with intent to rob; and no person so tried as is herein lastly mentioned shall be liable to be afterwards prosecuted for an Assault with intent to commit the robbery for which he was so tried.

If, upon the trial of any person for any Misdemeanour, it shall appear that the facts given in evidence amount in Law to a Felony, such person shall not by reason thereof be entitled to be acquitted of such Misdemeanour; and no person tried for such Misdemeanour shall be liable to be afterwards prosecuted for Felony on the same facts, unless the Court before which such trial may be had shall think fit, in its discretion, to discharge the Jury from giving any verdict upon such trial, and to direct such person to be indicted for Felony, in which case such person may be dealt with in all respects as if he had not been put upon his trial for such Misdemeanour.

If, upon the trial of any person indicted for Embezzlement as a clerk, servant, or person employed for the purpose or in the capacity of a clerk or servant, it shall be proved that he took the property in question in such manner as to amount in Law to Larceny, he shall not by reason thereof be entitled to be acquitted, and the Jury shall be at liberty to return as their Verdict that such person is not guilty of Embezzlement, but is guilty of simple Larceny, or of Larceny as a clerk, servant, or person employed for

No. 113.
29th August, 1855.

Forgery, uttering, or false pretences.

CL. IX.
A party indicted for Felony or Misdemeanour may be found guilty of an attempt to commit the same, and punished as if convicted of the attempt only.

CL. X.
Repeal of 8th Clause of Act, 11th April, 1844.

CL. XI.
Indictment for Robbery, the Jury may convict of assault with intent to rob.

CL. XII.
Person tried for Misdemeanour not to be acquitted, if the offence turned out to be Felony, unless the Court so direct.

CL. XIII.
Persons indicted for Embezzlement, as a Clerk, not to be acquitted if offence turned out to be Larceny, and vice versa.

No. 113.
29th August, 1855.

CL. XIV.

Upon an Indictment for jointly receiving, persons guilty of separately receiving may be convicted.

CL. XV.

Separate accessories and receivers may be included in the same Indictment in the absence of principal Felon.

CL. XVI.

Three Larcenies included in the same Indictment.

CL. XVII.

Where a single taking is charged, the Prosecutor not required to elect, unless it appear that there were more than three takings, or more than six months between the first and last taking.

CL. XVIII.

Coin and Bank-notes may be described simply as money.

CL. XIX.

Any Court, Judge, Justice, &c., may direct a person guilty of Perjury in any evidence, &c., to be prosecuted.

the purpose or in the capacity of a clerk or servant, as the case may be, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an Indictment for such Larceny; and if, upon the trial of any person indicted for Larceny, it shall be proved that he took the property in question in any such manner as to amount in Law to Embezzlement, he shall not by reason thereof be entitled to be acquitted, but the Jury shall be at liberty to return as their Verdict that such person is not guilty of Larceny but is guilty of Embezzlement, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an Indictment for such Embezzlement; and no person so tried for Embezzlement or Larceny as aforesaid shall be liable to be afterwards prosecuted for Larceny or Embezzlement upon the same facts.

If, upon the trial of two or more persons indicted for jointly receiving any property, it shall be proved that one or more of such persons separately received any part of such property, it shall be lawful for the Jury to convict upon such Indictment such of the said persons as shall be proved to have received any part of such property.

And whereas it frequently happens that the principal in a Felony is not in custody or amenable to justice, although several accessories to such Felony, or receivers at different times of stolen property the subject of such Felony may be in custody or amenable to justice to the prevention of several trials; *Be it enacted*, That any number of such accessories or receivers may be charged with substantive Felonies in the Indictment, notwithstanding the principal felon shall not be included in the same Indictment or shall not be in custody or amenable to justice.

It shall be lawful to insert several counts in the same Indictment against the same person for any number of distinct acts of stealing, not exceeding three, which may have been committed by him against the same person within the space of six calendar months from the first to the last of such acts, and to proceed thereon for all or any of them.

If, upon the trial of any Indictment for Larceny, it shall appear that the property alleged in such Indictment to have been stolen at one time was taken at different times, the Prosecutor shall not by reason thereof be required to elect upon which taking he will proceed, unless it shall appear that there were more than three takings, or that more than the space of six calendar months elapsed between the first and the last of such takings, and in either of such last-mentioned cases the Prosecutor shall be required to elect to proceed for such number of takings, not exceeding three, as appear to have taken place within the period of six calendar months from the first to the last of such takings.

In every Indictment in which it shall be necessary to make any averment as to any Money, or any Note of the Bank of England or any other Bank, it shall be sufficient to describe such money or Bank-note simply as money, without specifying any particular coin or Bank-note, and such allegation, so far as regards the description of the property, shall be sustained by proof of any amount of coin or of any Bank-note, although the particular species of coin of which such amount was composed, or the particular nature of the Bank-note, shall not be proved; and, in cases of Embezzlement and obtaining money or Bank-notes by false pretences, by proof that the offender embezzled or obtained any piece of coin or any Bank-note, or any portion of the value thereof, although such piece of coin or Bank-note may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same or to any other person, and such part shall have been returned accordingly.

It shall and may be lawful for the Supreme Court of Judicature, or the Judges or Judge of any Superior Court of Common Law or Equity, or for any of Her Majesty's Justices or Commissioners of Assize, Oyer and Terminer, or Gaol Delivery, or for any Judge of any Court of Record, or for any Justices of the Peace in Special or Petty Sessions, in case it shall appear to such Court, Judge or Judges, Justices or Commissioners that any person has been guilty of wilful and corrupt Perjury in any evidence given, or in any Affidavit, deposition, examination, answer, or other proceeding made or

taken before such Court, Judge or Judges, Justices or Commissioners, to direct such person to be prosecuted for such Perjury, in case there shall appear to such Court, him or them, a reasonable cause for such prosecution, and to commit such person so directed to be prosecuted until the next Session of the Supreme Court of Judicature, or Oyer and Terminer, or Gaol Delivery, unless such person shall enter into a recognizance with one or more sufficient surety or sureties, conditioned for the appearance of such person at such next Session, and that he will then surrender and take his trial and not depart the Court without leave; and to require any person he or they may think fit to enter into recognizance, conditioned to prosecute or give evidence against such person so directed to be prosecuted as aforesaid.

In every Indictment for Perjury, or for unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously, or corruptly taking, making, signing, or subscribing any Oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing, it shall be sufficient to set forth the substance of the offence charged upon the Defendant, and by what Court or before whom the Oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing, was taken, made, signed, or subscribed, without setting forth the Bill, answer, information, indictment, declaration, or any part of any proceeding, either in Law or Equity, and without setting forth the commission or authority of the Court or person before whom such offence was committed.

In every Indictment for subornation of Perjury, or for corrupt bargaining or contracting with any person to commit wilful and corrupt Perjury, or for inciting, causing, or procuring any person unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously, or corruptly to take, make, sign, or subscribe any Oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing, it shall be sufficient wherever such Perjury or other offence aforesaid shall have been actually committed to allege the offence of the person who actually committed such Perjury or other offence, in the manner hereinbefore mentioned, and then to allege that the Defendant unlawfully, wilfully, and corruptly, did cause and procure the said person the said offence (in form and manner aforesaid) to do and commit; and wherever such Perjury or other offence aforesaid shall not have been actually committed it shall be sufficient to set forth the substance of the offence charged upon the Defendant, without setting forth or averring any of the matters or things hereinbefore rendered unnecessary to be set forth or averred in the case of wilful and corrupt Perjury.

A Certificate containing the substance and effect only (omitting the formal part) of the Indictment and trial for any Felony or Misdemeanour, purporting to be signed by the Clerk of the Court, or other Officer having the custody of the Records of the Court where such Indictment was tried, shall, upon the trial of any Indictment for Perjury or subornation of Perjury, be sufficient evidence of the trial of such Indictment for Felony or Misdemeanour, without proof of the signature or official character of the person appearing to have signed the same.

It shall not be necessary to state any *Venue* in the body of any Indictment, but the words "St. Vincent" named in the margin shall be taken to be the *Venue* for all the facts stated in the body of such Indictment, provided that in cases where local description is or hereafter shall be required such local description shall be given in the body of the Indictment.

No Indictment for any offence shall be held insufficient for want of the averment of any matter unnecessary to be proved, nor for the omission of the words "as appears by the Record," or of the words "with force and arms," or of the words "against the peace;" nor for the insertion of the words "against the form of the Statute," instead of "against the form of the Statutes," or *vice versa*—nor for that any person mentioned in the Indictment is designated by a name of office or other descriptive appellation, instead of his proper name; nor for omitting to state the time at which the offence was committed in any case where time is not of the essence of the offence; nor for stating the time imperfectly; nor for stating the offence to have been committed on a day subsequent to the finding of the Indictment, or on an

No. 113.
29th August, 1855.

CL. XX.
Indictment for Perjury and other like offences.

CL. XXI.
Form of Indictment for Subornation of Perjury and other like offences.

CL. XXII.
On Trials for Perjury and Subornation of Perjury, Certificate of Trial of Indictment sufficient.

CL. XXIII.
Venue in the margin sufficient, except local description necessary.

CL. XXIV.
What defect shall not vitiate Indictment.

No. 113.
29th August, 1855.

CL. XXV.
Formal objection to an
Indictment to be taken
before Jury sworn.

CL. XXVI.
Provisions as to tra-
versing Indictments.

CL. XXVII.
Section 28 of "Sessions
Act" repealed.

CL. XXVIII.
Provision as to plea of
autrefois convict or
autrefois acquit.

CL. XXIX.
Punishment for cer-
tain Indictable Of-
fences.

CL. XXX.
Punishment for Per-
jury.

CL. XXXI.
Persons found by
night armed with in-
tent, &c.

CL. XXXII.
Any person may ap-

impossible day, or on a day that never happened; nor for want of a proper or perfect *Venue*; nor for want of a proper or formal conclusion; nor for want of or imperfection in the addition of any Defendant; nor for want of the statement of the value or price of any matter or thing, or the amount of damage, injury or spoil, in any case where the value or price, or the amount of damage, injury, or spoil is not of the essence of the offence.

Every objection to any Indictment for any formal defect apparent on the face thereof, shall be taken by demurrer or motion to quash such Indictment before the Jury shall be sworn, and not afterwards; and every Court before which any such objection shall be taken for any formal defect, may, if it be thought necessary, cause the Indictment to be forthwith amended in such particular by some Officer of the Court or other person, and thereupon the trial shall proceed as if no such defect had appeared.

No person prosecuted shall be entitled to traverse or postpone the trial of any Indictment found against him at any Session of the Peace, Session of Oyer and Terminer, or Session of Gaol Delivery: *Provided always*, That if the Court, upon the application of the person so indicted or otherwise, shall be of opinion that he ought to be allowed a further time either to prepare for his defence or otherwise, such Court may adjourn the trial of such person to the next subsequent Session upon such terms as to bail or otherwise as to such Court shall seem meet, and may respite the recognizances of the Prosecutor and Witnesses accordingly, in which case the Prosecutor and Witnesses shall be bound to attend to prosecute and give evidence at such subsequent Session, without entering into any fresh recognizance for that purpose.

And be it enacted, That the 28th Section of an Act of this Island, passed the 20th January, 1854, entitled "An Act for Establishing and Regulating a Court of Grand Sessions of the Peace," shall be and the same is hereby repealed.

In any plea of *autrefois convict*, or *autrefois acquit*, it shall be sufficient for any Defendant to state that he has been lawfully convicted or acquitted (as the case may be) of the said offence charged in the Indictment.

Whenever any person shall be convicted of any of the offences following as an Indictable Misdemeanour, that is to say; any cheat or fraud punishable at Common Law; any conspiracy to cheat or defraud, or to extort money or goods, or falsely to accuse of any crime, or to obstruct, prevent, pervert, or defeat the course of public justice; any escape or rescue from lawful custody on a criminal charge; any public and indecent exposure of the person, any indecent assault, or any assault occasioning actual bodily harm; any attempt to have carnal knowledge of a girl under twelve years of age; any public selling or exposure for public sale or to public view of any obscene book, print, picture, or other indecent exhibition; it shall be lawful for the Court to sentence the offender to be imprisoned for any term not exceeding twelve calendar months, with or without hard labour.

And whereas it is expedient to make further provision for the punishment of Perjury and Subornation of Perjury; *Be it enacted*, That it shall be lawful for the Court or Judge before whom any person shall be convicted of wilful and corrupt Perjury, or Subornation of Perjury, to order such person to be imprisoned for any term not exceeding three years, with or without hard labour, either in addition to or in lieu of any other punishment.

If any person shall be found by night armed with any dangerous or offensive weapon or instrument whatsoever, with intent to break or enter into any dwelling-house or other building whatever and to commit any Felony therein, or if any person shall be found by night having in his possession, without lawful excuse (the proof of which excuse shall be on such person), any picklock-key, crow-jack, bit, or other implement of house-breaking, or if any person shall be found by night in any dwelling-house or other building whatsoever with intent to commit any Felony therein, every such offender shall be guilty of a Misdemeanour, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned with or without hard labour for any term not exceeding three years.

It shall be lawful for any person whatsoever to apprehend any person

who shall be found committing any of the last-mentioned offences, and to convey him or deliver him to some Constable or other Peace Officer in order to his being conveyed, as soon as conveniently may be, before a Justice of the Peace to be dealt with according to Law.

And whereas doubts may be entertained as to the authority to apprehend persons found committing Indictable Offences in the night; for remedy whereof, *Be it enacted*, That it shall be lawful for any person whatsoever to apprehend any person who shall be found committing any indictable offence in the night, and to convey him or deliver him to some Constable or other Peace Officer in order to his being conveyed, as soon as conveniently may be, before a Justice of the Peace to be dealt with according to Law.

If any person liable to be apprehended under the provisions of this Act shall assault or offer violence to any person by Law authorized to apprehend or detain him, or to any person acting in his assistance, every such offender shall be guilty of a Misdemeanour, and being convicted thereof shall be liable to be imprisoned, with or without hard labour, for any term not exceeding three years.

The time at which the night shall commence and conclude, in any offence against the provisions of this Act, shall be the same as in the case of Burglary.

It shall not be lawful, on the trial of any person for any subsequent offence where a plea of Not Guilty shall have been entered on his behalf, to charge the Jury to inquire concerning any previous conviction until they shall have inquired concerning such subsequent offence and shall have found such person guilty of the same; and whenever in any Indictment any previous Indictment shall be stated, the reading of such statement shall be deferred until after such finding as aforesaid: *Provided*, That if, upon the trial of any person for any such subsequent offence as aforesaid, such person shall give evidence of his good character, it shall be lawful for the Prosecutor, in answer thereto, to give evidence of the conviction of such person for the previous offence or offences before such verdict of guilty shall have been returned, and the Jury shall inquire concerning such previous Conviction or Convictions at the same time that they inquire concerning such subsequent offence.

And whereas it is expedient to make further provision for the punishment of Aggravated Assaults; *Be it enacted*, That if any person shall unlawfully and maliciously inflict upon any other person, either with or without weapon or instrument, any grievous bodily harm, or unlawfully or maliciously cut, stab, or wound any other person, every such offender shall be guilty of a Misdemeanour, and being convicted shall be liable, at the discretion of the Court, to be imprisoned, with or without hard labour, for any term not exceeding three years.

If any person shall unlawfully and maliciously assault, beat, or wound any person, so as thereby to endanger the life of such person, or so as thereby to inflict upon such person any grievous bodily harm, every such offender shall be guilty of a Misdemeanour, and being convicted thereof shall be liable to be imprisoned, with or without hard labour, for any term not exceeding three years.

If, upon the trial of any Indictment for Felony, except for Murder or Manslaughter, where the Indictment shall allege that the Defendant did cut, stab, or wound any person, the Jury shall be satisfied that the Defendant is guilty of the cutting, stabbing, or wounding charged in such Indictment, but are not satisfied that the Defendant is guilty of the Felony charged in such Indictment, then, in every such case the Jury may acquit the Defendant of such Felony, and find him guilty of unlawfully cutting, stabbing, or wounding, and thereupon such Defendant shall be liable to be punished in the same manner as if he had been convicted upon an Indictment for the Misdemeanour of cutting, stabbing, or wounding.

And whereas it is expedient to make further provision for the punishment of persons using Chloroform or other stupifying things, in order the better to enable them to commit Felonies; *Be it enacted*, That if any person shall unlawfully apply or administer, or attempt to apply or administer, to any

No. 113.
29th August, 1855.

prehend persons committing those offences and convey them before a Justice.

CL. XXXIII.
Any person may apprehend persons committing Indictable Offences in the night and convey them before a Justice.

CL. XXXIV.
Persons assaulting another, entitled to apprehend him, to be guilty of a Misdemeanour.

CL. XXXV.
The night in offences against this Act to be as in Burglary.

CL. XXXVI.
Proceedings on trial of persons for subsequent offences.

CL. XXXVII.
Aggravated Assaults.

Punishment.

CL. XXXVIII.
Persons inflicting grievous bodily harm guilty of Misdemeanour.

Punishment.

CL. XXXIX.
On the trial of any Indictment for feloniously cutting, &c., the Jury may acquit of the Felony, and convict of unlawfully cutting, &c.

CL. XL.
Persons using Chloroform or other stupifying things in order to commit Felony, guilty of Felony.

No. 113.
29th August, 1855.

Punishment.

Act 15th March, 1786 ;
Cl. CIII. [Repealed
by Court Act, 1860.]

Preamble.

CL. XLI.
Repeals so much of
Cl. CIII. as imposes
the punishment of
death.

CL. XLII.
Persons convicted of
offences, herein speci-
fied, guilty of Misdemeanour.

Act 9th December,
1830 ; Cl. LXVIII.

Preamble.

CL. XLIII.
Repealing Cl. LXVIII.

CL. XLIV.
Persons convicted of
riotously demolishing,
&c., Church and other
building, guilty of
Felony.

other person any Chloroform, Laudanum, or other stupifying or overpowering drug, matter or thing, with intent thereby to enable such offender or any other person to commit, or with intent to assist such offender or other person in committing any Felony, every such offender shall be guilty of Felony, and being convicted thereof shall be liable to be imprisoned, with or without hard labour, for any term not exceeding three years.

Whereas by an Act of the Legislature, published the fifteenth day of March, one thousand seven hundred and eighty-six, intituled "An Act for establishing Courts of King's Bench, Common Pleas, and Error, and for the better advancement of Justice in the said Island of St. Vincent, and the Islands of Bequia, and such other the Grenadines as lie to the Northward of Carriacou, in America, and for rendering the former proceedings of the Courts of Common Pleas and Error valid, and for settling certain Fees," *It is enacted*, That in case any such Debtor shall fraudulently secrete, transfer, or convey, in trust or otherwise, any part of his estate or effects, or shall not fairly or honestly disclose and set forth in such Schedule the whole of his estate, effects, and outstanding debts, then and in such case such Debtor shall be subject to the penalties and punishments of a Felon without benefit of Clergy ; *And whereas* it is expedient to repeal so much of the said recited Act as subjects a Debtor offending against the provisions thereof to the penalties and punishments of a Felon ; *Be it enacted*, by the Officer administering the Government of the Island of St. Vincent and its Dependencies, the Council and Assembly of the same, That so much of the said Act as is hereinbefore referred to shall from and after the passing of this Act be repealed.

That in case any such Debtor as aforesaid shall fraudulently secrete, transfer, or convey in trust, or otherwise dispose of the whole or any part of his estate or effects, or shall not fairly and honestly disclose and set forth, in any account and Schedule required to be made by the said recited Act, the whole of his estate, effects, and outstanding debts, then and in any such case any such Debtor shall be deemed to be guilty of a Misdemeanour, and being convicted thereof at any Court of Grand Sessions of the Peace to be holden for this Island and its Dependencies, shall be liable, at the discretion of the Court, to be imprisoned in the Common Gaol for any period not exceeding two years.

Whereas by a certain other Act of the Legislature, published the ninth day of December, one thousand eight hundred and thirty, intituled "An Act to extend parts of certain Acts of the Imperial Parliament to these Islands for the administration of Criminal Justice," it is, amongst other things, enacted, That if any persons riotously and tumultuously assembled together to the disturbance of the public peace shall unlawfully and with force demolish, pull down, or destroy, or begin to pull down, demolish, or destroy any Church or Chapel, or any Chapel for the religious worship of persons dissenting from the United Church of England and Ireland, or any house, stable, coach-house, outhouse, warehouse, office, shop, mill, or any building or erection used in carrying on any trade or manufacture, or any branch thereof, or any machinery whether fixed or movable, prepared for or employed in any manufacture or in any branch thereof, or any steam-engine or other engine, every such offender shall be guilty of Felony, and, on being convicted thereof, shall suffer death as a Felon ; *And whereas* it is expedient to repeal so much of the said recited Act as subjects parties guilty of the offences last aforesaid to the penalty of death as a Felon ; *Be it enacted*, That so much of the said last-recited Act as is hereinbefore referred to shall from and after the passing of this Act be repealed, except as to offences committed before such time which shall be dealt with and punished as if this Act had not been passed.

That if any persons riotously and tumultuously assembled together to the disturbance of the public peace shall unlawfully and with force demolish, pull down, or destroy, or begin to pull down, demolish, or destroy any Church or Chapel, or any Chapel for the religious worship of persons dissenting from the United Church of England and Ireland, or any house, stable, coach-house, outhouse, warehouse, office, shop, mill, or any building

or erection, whether the same be used in carrying on any trade or manufacture or any branch thereof, or for any public purpose, or any machinery, whether fixed or moveable, prepared for or employed in any manufacture or in any branch thereof, or any steam-engine or other engine, every such offender shall be guilty of Felony, and, being convicted thereof, shall be liable to be punished in the manner prescribed by the said last-recited Act for the punishment of persons convicted of Felony.

In the construction of this Act, the word "Indictment" shall be understood to include "Information," "Inquisition," and "Presentment," as well as "Indictment;" and also any "Plea," "Replication," or other pleading; and the terms "Finding of the Indictment" shall be understood to include "the taking of an Inquisition," "the exhibiting of an Information," and "the making a Presentment;" and wherever in this Act, in describing or referring to any person or party, matter or thing, any word importing the singular number or masculine gender is used, the same shall be understood to include and shall be applied to several persons and parties as well as one person or party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing; and the word "Property" shall be understood to include goods, chattels, money, valuable securities, and every other matter or thing, whether real or personal, upon or with respect to which any offence may be committed.

This Act shall come into operation immediately on the publication thereof.

No. 113.
29th August, 1855.

CL. XLV.
Interpretation Clause.

CL. XLVI.
Commencement of Act.

No. 114.

An Act to separate the District and Chapelry of St. Paul from the Rectory of the United Parishes of St. George and St. Andrew, and to constitute and erect the same into a perpetual and independent Island Curacy, and to make provision for the Curate thereof. [31st August, 1855.]

WHEREAS, by reason of the large extent of the United Parishes of St. George and St. Andrew as at present comprised within the Rectory therein constituted, it is considered necessary to separate the District of St. Paul from the said Rectory, and it is deemed advisable to constitute and erect the same into a perpetual and independent Island Curacy, *Be it therefore enacted*, by the Officer administering the Government of this Island of St. Vincent for the time being, and the Council and Assembly of the same, That immediately on and from the passing of this Act the District and Chapelry of St. Paul in the Parish of St. George in the said Island of St. Vincent (such District commencing at the South-east side of the Warawarou or Greatheed's River, and terminating at the South side of the Yambou River, and comprising all that portion of the said Parish of St. George lying between the said Warawarou or Greatheed's and Yambou Rivers) shall cease to form part and parcel of the Rectory of the United Parishes of St. George and St. Andrew, or to be under the spiritual control, care, or supervision of the Rector of the said Parishes, but shall thenceforth be and become a Perpetual and independent Island Curacy, subject in all respects to the jurisdiction of the Lord Bishop of the Diocese for the time being, and (subject to such jurisdiction) shall be under the sole spiritual care and superintendence of the Curate therein officiating at time of the passing of this Act, or such other Curate as may hereafter be legally nominated and appointed thereto, being a Clergyman of the United Church of England and Ireland, and in Priest's Orders, who shall, during such time as he shall actually reside within the said District and perform the duties thereof, have and receive (in addition to the provision or allowance heretofore made to the Curate of the said District by the Lord Bishop) such annual stipend as hereinafter provided for, payable quarterly by the Treasurer under Warrant from the Officer administering the Government for the time being; and the said Curate of St. Paul shall, by virtue of his nomination and appointment to such Cure, be

CL. I.
District and Chapelry of St. Paul to be an independent Curacy.

No. 114.
31st August, 1555.

and become seized, for and during all such time as he shall continue such Curate, of the Glebeland, situate, lying, and being at Calliaqua, within the said District (except the Churchyard and that part of the Glebeland whereon the Chapel is erected), and shall be entitled to the rents and profits thereof; and shall also be entitled to demand, have, and receive all fees to accrue within the said District which would be legally payable to the Rector under the Act commonly called the Vestry Act if this Act had not been passed: *And provided also*, That the said Curate shall not, under any pretence or claim whatever for any service to be by him performed, be entitled to demand or claim from any person any other or greater perquisite, fee, or remuneration than is given by this present Act and the said Vestry Act.

CL. II.
Control of Rector to
cease in District of
St. Paul.

That the present and all future Rectors of the United Parishes of St. George and St. Andrew shall, from and after the passing of this Act, cease to have any spiritual or other control or authority whatsoever in the said District of St. Paul, and shall also cease to be seized of or entitled to the Glebe land therein hereinbefore mentioned, or the rents or profits thereof, or the fees to accrue within the said District.

CL. III.
Freehold, &c., vested
in Perpetual Curate.

That the freehold of the Chapel and Land now comprising the Churchyard of the said District of St. Paul shall from thenceforth be vested in the Perpetual Curate of St. Paul for the time being under this Act, for the uses of the said Church and Churchyard: *Provided always*, That the said Curate shall not by virtue of such seisin, under any other claim, right, or title whatsoever, be entitled to claim, demand, have, and receive to his own use any sum of money whatever which shall or may be paid or payable in respect of Land enclosed or to be enclosed in the said Churchyard, or for or in respect of any monuments, tablet, or stone erected or to be erected in any Church, Chapel, or Churchyard of the said District; but that all such moneys shall be payable to and receivable by the said Curate for the purposes of the said Church or Chapel in respect of which the same is payable, and shall go towards and form a Church Fund, to be applied by him in the repairs and improvement of the said Church or Chapel: and an account of all such moneys so paid, and of the expenditure thereof, shall be transmitted annually by him to the Officer administering this Government for the time being, for the information of the Legislature.

CL. IV.
Fees payable for en-
closures in Church-
yard and tablets in
Church.

That there shall be payable by all persons for any such enclosures in the said Churchyard as aforesaid the sum of Two Shillings per square foot of land, and for any space to erect any tablet in the said Chapel the sum of Ten Shillings per square foot of face wall: *Provided always*, That upon such payment for enclosures being made as aforesaid the persons paying the same shall be entitled to a freehold in the land comprised in such enclosures for the purposes of interment.

CL. V.
Persons having en-
closures, &c., to be
entitled to freehold
therein.

And whereas many persons have already purchased a right to enclose land in the said Churchyard; *Be it enacted*, That all such persons who have made such purchases as last aforesaid, and who have paid for the same to any Rector of the said Parish of St. George, shall be entitled to a freehold in the land comprised in such purchase for such purposes of interment as aforesaid.

Preamble.

And whereas the Reverend William Francis Checkley, being at the time of the passing of this Act the Curate officiating in the said District and also holding the appointment of Gaol Chaplain, it hath been proposed that the said Reverend William Francis Checkley should relinquish the latter appointment on receiving such compensation by additional salary, Glebe, and Fees as by this Act provided: *Be it enacted*, That the Reverend William Francis Checkley shall, immediately on the coming into operation of this Act, cease to be Gaol Chaplain, and shall, until a perpetual Curate be legally nominated and appointed to the said Curacy, and so long as he continues to officiate as Curate of the said District of St. Paul, have an annual stipend of Two Hundred Pounds, [which shall include the allowance for house-rent,] payable, as hereinbefore provided: for [? and] any future Curate to be appointed to the said District shall have and receive such annual stipend as shall, on his nomination to the said Cure, be granted by Act of this Island.

CL. VI.
On the coming into
operation of this Act,
the Reverend William
Francis Checkley to
cease to be Gaol Chap-
lain.
Salary of 200l. granted
to the Reverend Wil-
liam Francis Checkley,
during such time as he
acts as Perpetual Cu-
rate.

That the provisions of an Act, intituled "An Act to make Provision, by way of House Rent, for the several Curates of the respective Parishes of this Island, and to grant an Annual Sum, in aid of a Stipend for a Curate for St. Andrew's Parish," so far as they relate to the Curate of Calliaqua, shall be and the same are hereby repealed.

That this Act shall not come into operation until an Act of the Legislature of this Colony, intituled "An Act for Better Enforcing Church Discipline," shall have received the Royal Assent, and shall have been duly published in this Colony.

No. 114.
31st August, 1855.

CL. VII.
Provisions of Curate, House Rent Act, 1845, repealed as to Curate of Calliaqua.

CL. VIII.
Commencement of this Act.

No. 115.

An Act to grant a Stipend to the Reverend Horatio William Laborde, as Rector of the United Parishes of St. George and St. Andrew, and as Chaplain of the Gaol in Kingstown. [31st August, 1855.]

WHEREAS the Reverend Horatio William Laborde hath been instituted and inducted into the Living of the Parishes of St. George and St. Andrew, and it is necessary to provide a stipend for the said Rector, *Be it enacted* by the Lieutenant-Governor, Council, and Assembly of the said Island of St. Vincent and its Dependencies, That there shall be paid to the said Reverend Horatio William Laborde, during his Incumbency and actual residence in the said Island, and so long as he shall perform the duties of Rector of the said Parishes, the annual stipend of Three Hundred Pounds sterling, payable quarterly, commencing from the First Day of April, One Thousand Eight Hundred and Fifty-two, being the day of his induction; and that the first payment to be made on his producing to the Treasurer of this Colony a Certificate of his having duly recorded in the Secretary's Office of the said Island his presentation to and induction into the said Living: *Provided always*, That in case of leave of absence being granted to the said Rector by the Officer administering this Government, the salary hereby granted shall, during his absence under such leave, be payable as provided for by the Act of this Government, entitled "An Act to provide for the Performance of the Duties of the Clergy during Temporary Absence."

CL. I.
[Grant of Stipend to present Rector of St. George and St. Andrew.]

[As to future Rectors, vide Act 6th Nov., 1856.]

And whereas no Act granting a stipend to the said Rector having yet passed the Legislature, sundry payments have been made to the said Rector on account of stipend, at the rate fixed by this Act, since his induction into the said Living, under Resolution of the Legislative Bodies of this Colony: *Be it enacted*, That all such payments shall be deemed and taken to have been, and to be for and on account of the stipend of the said Rector, and the moneys made payable by this Act as stipend, shall, notwithstanding the wording of this Act, commence and be paid only from the day or time up to which the said Rector shall have been paid and shall have received his stipend under Resolution as aforesaid.

CL. II.
[Payments already made to be carried to account.]

And whereas, since the institution and induction of the said Horatio William Laborde to the Living aforesaid, a division of the Parish of St. George, which is comprised within the said Living, hath been deemed essential and hath been agreed on, and an Act passed, entitled "An Act to separate the District and Chapelry of St. Paul from the Rectory of the United Parishes of St. George and St. Andrew, and to constitute and erect the same into a Perpetual and Independent Island Curacy, and to make provision for the Curate thereof;" by which the District and Chapelry of St. Paul, within the said Parish of St. George, hath been constituted and erected into an Independent and Perpetual Curacy, the said Horatio William Laborde resigning the Glebe and Fees thereto attached, and consenting to accept as compensation, and in lieu thereof, the Chaplaincy to the Gaol in the Town of Kingstown: *Be it therefore enacted*, That the said Reverend Horatio William Laborde shall immediately on the publication and coming into operation of the Act hereinbefore recited, by and with the consent and approbation of the Officer administering the Government for the time being, be appointed to hold the Office of Chaplain to the Gaol in the Town of

CL. III.
[The present Rector to hold the Office of Chaplain to the Gaol at Kingstown.]

No. 115.
31st August, 1855.

[No salary in future.
Vide Act 6th Nov.,
1856.]

CL. IV.
[To come into operation
simultaneously
with the Church Discipline
Act.]

Kingstown, and be entitled to receive the stipend payable in respect of the same Office, under an Act of the said Island, entitled "An Act for Providing Salaries for the Keeper and Officers of the Gaol in the Town of Kingstown."

That this Act shall not come into operation until an Act of the Legislature of this Colony, entitled "An Act for Better Enforcing Church Discipline," shall have received the Royal Assent, and shall have been duly published and proclaimed in this Colony.

No. 116.

An Act for the Amendment of an Act passed by the Legislature of St. Vincent, intituled "An Act for the Amendment of the Laws with respect to Wills."
[11th October, 1855.]

Preamble.

Recital Colonial Act,
31st January, 1851.

[CL. I.
Repeals 2nd part 2nd
section of Act, 31st
January, 1851.

CL. II.
31st January, 1851.

When signature to a
Will shall be deemed
valid.

CL. III.
Act to extend to cer-
tain Wills already
made.

WHEREAS by an Act, passed by the Legislature of this Colony, intituled "An Act for the Amendment of the Laws with respect to Wills," and duly published on the thirty-first day of January, one thousand eight hundred and fifty-one, it was enacted that an Act passed in the twenty-fifth year of the reign of King George the Second, intituled "An Act for avoiding and putting an end to certain doubts and questions relating to the Attestation of Wills and Codicils concerning Real Estates in that part of Great Britain called England, and in His Majesty's Colonies and Plantations in America," so far as relates to this Island and its Dependencies, should be and the same was thereby repealed, and it is expedient that so much of the said Colonial Act should be repealed; *Be it therefore enacted* by the Lieutenant-Governor of the Island of St. Vincent and its Dependencies, the Council and Assembly of the same, That so much of the first-mentioned Act as hereinbefore is recited shall be and the same is hereby repealed.

And whereas by the first-mentioned Act it is enacted that no Will shall be valid unless it shall be signed at the foot or end thereof by the Testator, or by some person in his presence and by his direction, every Will shall, so far only as regards the position of the signature of the Testator, or of the person signing for him as aforesaid, be deemed to be valid within the said enactments as explained by this Act if the signature shall be so placed at or after or following or under, or beside or opposite to the end of the Will, that it shall be apparent on the face of the Will that the Testator intended to give effect by such his signature to the writing signed as his Will, and that no such Will shall be affected by the circumstance that the signature shall not follow or be immediately after the foot or end of the Will, or by the circumstance that a blank space shall intervene between the concluding words of the Will and the signature, or by the circumstance that the signature shall be placed among the words of the Testimonium Clause or of the Clause of Attestation, or shall follow or be after or under the Clause of Attestation either with or without a blank space intervening, or shall follow or be after or under or beside the names or one of the names of the subscribing Witnesses, or by the circumstance that the signature shall be on a side or page, or other portion of the paper or papers containing the Will, whereon no clause or paragraph or disposing part of the Will shall be written above the signature, or by the circumstance that there shall appear to be sufficient space on or at the bottom of the preceding side or page or other portion of the same paper on which the Will is written to contain the signature; and the enumeration of the above circumstances shall not restrict the generality of the above enactment: but no signature under the said Act or this Act shall be operative to give effect to any disposition or direction which is underneath or which follows it, nor shall it give effect to any disposition or direction inserted after the signature is made.

The provisions of this Act shall extend and be applied to every Will already made, where Administration or Probate has not already been granted or ordered by a Court of competent jurisdiction in consequence of the de-

fective execution of such Wills, or where the property, not being within the jurisdiction of the Ecclesiastical Courts, has not been possessed or enjoyed by some person or persons claiming to be entitled thereto in consequence of the defective execution of such Wills, or the right thereto shall not have been decided to be in some other person or persons than the persons claiming under the Will by a Court of competent jurisdiction, in consequence of the defective execution of such Wills.

The word "Will" shall, in the construction of this Act, be interpreted in like manner as the same is directed to be interpreted under the provisions in this behalf contained in the said recited Act of the first day of January, one thousand eight hundred and fifty-one.

This Act may be cited as "The Wills Amendment Act, 1855."

No. 116.
11th October, 1855.

CL. IV.
Interpretation of
"Wills."

CL. V.
Short title of Act.

No. 117.

An Act to authorize the Appointment of an Acting Chief Justice in the event of the absence of the Chief Justice of the Government of St. Vincent.
[11th April, 1856.]

WHEREAS no provision is made to authorize the appointment of an Acting Chief Justice in case of the absence on leave of the Chief Justice of this Government, and doubts may arise as to the powers of the Assistant Justices; and it is deemed expedient to make provision, in case of such absence, for the discharge of the duties devolving on the Chief Justice in the *Criminal* * [?] Courts of the said Government; *Be it therefore enacted* by the Governor, Council, and Assembly of the Government of the Island of St. Vincent and its Dependencies, That when and so often as the Chief Justice of the said Government shall be absent from the said Government on leave of absence for a longer period than six weeks, it shall be lawful for the Governor from time to time and as often as occasion shall require to nominate and appoint, by Commission under the Great Seal of the said Government, some fit and proper person, being qualified as hereinafter mentioned, to be Acting Chief Justice of the said Government during the absence of the Chief Justice.

That the Acting Chief Justice so to be appointed as aforesaid, shall and he is hereby declared to have and be invested with, and shall and may exercise during the absence of the Chief Justice as aforesaid, all and every such and the same powers, authorities, and jurisdiction in all matters *Civil and Criminal*, and shall and may make, do, execute, and perform all and every acts, deeds, matters and things whatsoever, in all matters *Civil and Criminal* within the said Government, which the Chief Justice of the said Government could or might lawfully do if present under any Statute of the Imperial Parliament, or any Act of the Legislature of the said Government, or under the Common Law.

That when and so often as an Acting Chief Justice shall be nominated and appointed under the provisions of this Act, all Writs, Warrants, and Process which by Law are required to be tested in the name of the Chief Justice, when present, shall be tested in the name of the Acting Chief Justice during the absence of the Chief Justice, any law, rule, custom, or usage to the contrary notwithstanding; and all Fees by Law payable to the Chief Justice shall, during such absence as aforesaid, be payable and paid to and received by the Acting Chief Justice.

That wherever, in any Act of the Legislature of the said Government, the Chief Justice is named or mentioned as the person by or before whom any Act, matter or thing, Oath, affidavit, affirmation, examination, deed, deposition, recognizance, writ, warrant, process, or other proceeding is to be had, made, done, taken, issued, sworn, exhibited, proved, or acknowledged, the Acting Chief Justice so to be appointed as aforesaid shall, during the absence of the Chief Justice as aforesaid, be authorized to act therein as fully as the Chief Justice if present could do; and any such act, matter, or thing as aforesaid made and done by or before such Acting Chief Justice

Preamble.

*[See Cl. II.]

CL. I.
Governor to appoint
Acting Chief Justice,
in case of the absence
of the Chief Justice.

CL. II.
Acting Chief Justice
to exercise and have,
during the absence of
the Chief Justice, all
and every the powers
of the Chief Justice.

CL. III.
Writs, Warrants, and
Process to be tested in
name of Acting Chief
Justice.

CL. IV.
Proceedings had and
done by or before
Acting Chief Justice,
during the absence of
the Chief Justice, to
have the same force as
if had and done by or
before the Chief Jus-
tice.

No. 117.
11th April, 1856.

CL. V.
Acting Chief Justice
empowered to ad-
minister Oaths.

CL. VI.
Oaths to be taken by
Acting Chief Justice.

CL. VII.
Qualification of per-
son to be appointed
Acting Chief Justice.

CL. VIII.
Acting Chief Justice
shall not hold any
other Public Office.

during the absence of the Chief Justice, shall be as valid and effectual to all intents and purposes as if the same had been made and done by or before the Chief Justice.

That the Acting Chief Justice, so to be appointed as aforesaid, shall during the absence of the Chief Justice, and he is hereby authorized, to administer all and every Oaths and oath, affirmations and affirmation, which the Chief Justice, if present, could or might administer whether under the Statute or Common Law.

That the Acting Chief Justice, so to be appointed as aforesaid, shall, before he enters upon the duties of his office, in addition to the Oath of Allegiance, take the several Oaths required to be taken by the Chief Justice of this Government, in the same manner as the same are required to be taken by such Chief Justice.

That the person to be appointed Acting Chief Justice as aforesaid shall be a member of the Legal Profession, and shall not, by virtue of his appointment, be entitled to any salary or remuneration from the Government of the said Island beyond that provided by the Colonial Regulations as at present existing: *Provided*, That nothing herein contained shall prevent or interfere with any arrangement, for the division or appropriation of the Salary and Fees payable to the Chief Justice, between the person so to be appointed Acting Chief Justice and the Chief Justice of the said Government.

That the party appointed Acting Chief Justice, during the tenure of such appointment, shall not hold or discharge the duties of any other Public Office whatever within this Government.

No. 118.

An Act to authorize the Appointment of a Board of Prison Directors; to make provision for the Maintenance of Prisoners; and to make their Labour available for the Public Service. [27th May, 1856.]

Preamble

CL. I.
Constituting a Board
of Prison Direction.

[See Amended Act,
23rd April, 1860.]

WHEREAS the Government of, and provision made for, the Public Gaol of the Government of the Island of St. Vincent have hitherto been on an unsatisfactory footing, and it has been deemed necessary to make proper provision for the same; *Be it enacted* by the Governor, Council, and Assembly of the said Island of St. Vincent and its Dependencies, That from and after the passing of this Act there shall be established a Board of Prison Direction for this Colony, [and] that such Board shall consist of the President or Senior Member of the Legislative Council of this Colony, not being the Chief Justice, and the next Senior Member of Council in the Island; the Speaker of the House of Assembly, and the Members of the said Assembly for the Town of Kingstown; the Provost Marshal, and the Inspector of Prisons, and their successors in office; together with such two other persons, residents in the said Island and freeholders, as the Officer administering the Government shall, from time to time, by Warrant in writing under his hand nominate and appoint, any four of whom shall be sufficient to form a Board, and to do any act which such Board is by this Act authorized to perform; and the Senior Commissioner of such Board, according to the order in which the Commissioners shall be named in the Commission appointing them, present at any Meeting of the Board, shall be the Chairman for the time being: and such Board shall not be deemed incomplete by reason of a vacancy arising from the death, absence, or resignation, or dismissal of any of the Members thereof, or of a vacancy in any of the offices or places which constitute a qualification for a Member of the said Board, provided there be four continuing Members of the said Board.

CL. II.
Prisons to be under
management of Board,
subject to rules made
under Imperial Sta-
tute.

That the Public Prison of this Colony situate in Kingstown, and all other legalized places of confinement in this Colony now existing or hereafter to be legalized, shall be under the immediate superintendence and management of such Board, subject only to the provisions of this Act, and to such rules and regulations as, under the provisions of the Statute of the

Imperial Parliament, of the first and second years of the reign of Her present Majesty Queen Victoria, entitled "An Act for the Better Government of Prisons in the West Indies," shall be made and ordained by the Governor in Council in that behalf.

That it shall be lawful for the Officer administering this Government for the time being, if he shall see good cause, from time to time to remove any Director so appointed by him, and to nominate and appoint another in the place and stead of the Director so removed.

That the dietary for the said Gaol, and all allowances to the prisoners therein shall, from time to time be fixed and settled by such Board of Prison Directors, subject to the approval of the Officer administering this Government for the time being.

That such superintendence and management of the said Board shall, under such provisions, rules, and regulations aforesaid, include the altering and repairing, when necessary, of the said Public Prison in Kingstown and all other such legalized places of confinement as herebefore mentioned; the providing of food, clothing, and all other necessary articles of consumption used therein; the furnishing instruction and employment to the prisoners; the suspension of Gaolers, Turnkeys, and Constables, and other Officers employed therein, until the cause of suspension shall be judged of and decided on by the Officer administering this Government.

That for the purpose of providing the necessary food, clothing, and other necessaries for the prisoners confined in the said Public Gaol in Kingstown, the said Board shall, quarterly, in the months of December, March, June, and September, advertise for tenders for supplying all necessaries required for the use of the Gaol for the three months commencing from the first day of the then next ensuing month; and such Board shall accept such tender as to the Board shall seem most for the benefit of the Public and Government of the Colony, and a contract shall be entered into by the person whose tender shall be accepted, joined by two sufficient sureties, with the Provost Marshal of this Colony for the time being (by his name of office) and his successors in office, for and on behalf of the Public of this Government, for the due supply to the Gaol (according to such tender) of such necessaries; and in case of the death of the Provost Marshal who shall be in office at the time such contract so entered into the same shall and may, if necessary, be enforced by his successor in office, and sued on by him, by and in his name of office, for and on behalf of the Public and Government of St. Vincent, as though the same had been entered into with him.

That the charges and expenses incurred in maintaining and clothing the prisoners in the said Gaol, including all allowances to them, shall be paid in manner following, that is to say: monthly, by Warrant of the Officer for the time being administering the Government of the said Island, on the requisition of the said Board of Prison Directors signed by the Chairman thereof for the time being; and such Warrant shall be paid by the Treasurer out of such fund or moneys as shall, annually or otherwise, be raised or voted by the Legislature for that purpose.

That any Estimate of any expense to be incurred for repairs or alterations to the said Gaol or other place of confinement as aforesaid, and all other incidental charges not included in the provision hereinbefore made, shall, before the same be incurred, be laid before the Legislature by the said Board, and, if sanctioned by the Legislature, shall and may be proceeded with and paid for by Warrant of the Officer administering the Government, on a Certificate by the said Board of Prison Directors certifying the amount to be payable, and the same shall be paid by the Treasurer out of such fund as shall be voted or provided for that purpose by the Legislature: *Provided always*, That any trifling necessary repairs to the said Gaol, not exceeding Twenty-five Pounds in any one year, may be executed and done under the order of the Board of Directors without such estimate or sanction, and the amount thereof shall and may be included in the monthly expenditure of the said Gaol.

That such of the Members of the said Board of Prison Direction as

No. 118.
27th May, 1856.

CL. III.
Governor may remove Directors.

CL. IV.
Dietary for Gaol to be regulated by Board.

CL. V.
Powers of Board of Directors.

CL. VI.
Tenders to be called for Quarterly, for feeding and clothing Prisoners.

CL. VII.
Charges and expenses of Prison to be paid monthly by Warrant of Governor on requisition of Chairman of Board of Directors.

CL. VIII.
Expenses of repairs of Prison not to be incurred without estimate and sanction of Legislature.

CL. IX.
Visiting Justices to

No. 118.
27th May, 1856.

hear and adjudicate on
all cases of complaint
arising within the
Gaol.

CL. X.
Employment of male
prisoners provided for.

shall be Justices of the Peace shall be and they are hereby appointed Visiting Justices for the said Public Gaol, and for all other legalized places of confinement in this Colony; and if, from any cause, there shall at any time not be four Justices of the Peace Members of such Board, then the Officer administering this Government shall, by Warrant under his hand, nominate such Justices of the Peace of this Government to be Visiting Justices as, with the number of the said Board of Direction who shall be Justices of the Peace, shall make up the number of four: and it shall be the duty of such Visiting Justices, or any two of them, to hold sittings in the said Public Gaol, and to receive, hear, and adjudicate upon all complaints preferred before them, according to the rules and regulations to be established from time to time by the Governor and Council for the Government of the said Gaol and the Discipline thereof.

And whereas the said Gaol, and the support of the same and of the Officers and the prisoners therein confined, entails very heavy expenditure on the part of this Government, which, in the present embarrassed state of its finances, it is unable to bear; and it is deemed necessary that the labour of prisoners under sentence of labour by any Court of competent jurisdiction should, as far as is practicable, be made available towards defraying the expenses aforesaid; and it is deemed expedient to authorize the making and enforcement of Rules for the better maintenance of the said Gaol; and, inasmuch as hard labour cannot be enforced within the walls of the Gaol, for want of employment there, it is deemed necessary to legalize the employment of such prisoners without the walls of such Gaol, such employment being more conducive to health: *Be it therefore enacted*, That from and after the passing of this Act every male prisoner above the age of fourteen years who shall be confined in the common Gaol of this Colony, under sentence of imprisonment with hard labour, shall be liable and may be compelled to perform labour according to his sentence and according to the rules and regulations of such Gaol established or to be established under the authority of the Statute of the Imperial Parliament of the first and second years of Her present Majesty Queen Victoria, chapter 67, entitled "An Act for the "Better Government of Prisons in the West Indies," and under this present Act, either within the walls of the said Gaol, or without the walls of the said Gaol, in manner hereinafter provided for; and if any prisoner whilst so engaged in labour without the walls of the said Gaol, or in going to or returning from any place of such labour, shall, either with or without force and whether by stratagem or otherwise, break from his imprisonment and go at large, or wilfully escape from and leave the custody of his keeper or the person or persons who shall be in lawful custody or charge of any such prisoner, or if any such prisoner shall assault any Officer of the Gaol, or any person in the lawful charge or custody of any such prisoner in the discharge of his duty, every such person shall be deemed guilty of a Misdemeanour, and shall be liable, on conviction for such offence before the Court of Grand Sessions of the Peace, to be fined in any sum not exceeding Fifty Pounds, or to be imprisoned, with or without hard labour, for any term not exceeding twelve calendar months, or to both such fine and imprisonment.

CL. XI.
Legalizing employ-
ment and labour of
male prisoners outside
the Gaol.

That all such male prisoners as aforesaid who shall be confined in the common Gaol of this Colony under sentence of hard labour shall and may be worked, and required and compelled to work outside, the walls of the said Gaol, in any of the modes following, that is to say:—on the Public Highways in St. George's and St. Andrew's Parishes, in repairing the same, and in breaking stone thereon, and carrying materials for that purpose; *Provided*, That such prisoners shall not be so employed beyond two miles from the said Town in quarrying and carrying materials for, and in repairing, cleansing, and cleaning the drains, watercourses, streets, landing-places, public buildings, yards, fences, walls, and gates in the said Town of Kingstown, and the public grounds of Government House; in the carriage and transport from place to place in the Town of Kingstown, and within two miles of the said Gaol, of any goods or chattels, supplies or materials, or articles whatsoever belonging to or used, or intended to be used for the

Public of the Government in or about any Public building or work, or the erection thereof; or in the digging or making any foundation for any such Public building or work or otherwise in or upon any such Public work or building; and in no other work or labour outside the walls of the said Prison, except as hereinafter provided for.

That a particular and daily account shall be kept by the Gaoler of the said Gaol, of the labour in which each and every prisoner confined in the said Gaol and under sentence of hard labour, shall be employed, in a Book to be provided by the Board of Directors for that purpose, in which shall be entered the name of every prisoner sentenced to hard labour, the day of his or her commitment to the Gaol, the work or labour in which he or she shall be daily employed, specifying where such work or labour has been performed, and by whose direction or authority, and, when not employed, stating the reason for such non-employment; and in the Monthly Returns shall appear the amount, if any, chargeable against the Waywardens of the Parishes of St. George and St. Andrew, or against the Public, for the labour of prisoners on the Public roads or Public works or buildings, as herein provided for, and also an account of all moneys received by the Gaoler during the month on account of the Gaol.

That if any Gaoler, Turnkey, or other Officer of the said Gaol, or if any person having the control or command of or under whose orders any such Gaoler, Turnkey, or Officer of or any prisoner in the Gaol, may or shall employ or suffer or permit to be employed any prisoner confined in the said Gaol in any work or labour of any kind, in or about the private business or for the personal benefit or advantage of any such Gaoler, Turnkey, or other Officer or person, he shall be deemed guilty of a Petty Misdemeanour, and shall be liable, on conviction for every such offence before any Police Magistrate or two Justices of the Peace, to forfeit and pay a fine not exceeding Fifty Pounds nor less than Five Pounds, and, in the event of conviction, one half the fine imposed shall be payable to the person on whose information such conviction shall have taken place, and the other half shall be paid to the Treasurer for the public uses of this Government; *Provided always*, That no such conviction shall take place on the unsupported testimony of a discharged prisoner.

That where any adult prisoner shall be employed in repairing the Public Highways on the application of the Waywardens of the Parishes of St. George and St. Andrew, or in the Town of Kingstown on the application of the Townwardens, an account shall be kept against and rendered monthly to such Waywardens or Townwardens, as the case may be, by the Gaoler; who shall, in such account, charge such Waywardens or Townwardens, as the case may be, at the rate of Tenpence per day for the labour of every prisoner so employed; and a copy of the Monthly Return hereinbefore directed to be made, showing the amount, if necessary, chargeable against any such Waywardens or Townwardens, or received by the Gaoler as hereinbefore provided for, shall be lodged by such Gaoler with the Treasurer of the said Island monthly: and such Waywardens, in making out and sending in their quarterly accounts for audit under the provisions of the Act of this Government for the repair of the Public Highways, shall include as part of the expense of such repairs the sum so charged for the labour of such prisoners, and such sum shall be deducted by the Treasurer from the sum payable to such Waywardens under the provisions of the Act for keeping the Public Highways in repair, and the Townwardens shall, within ten days after the expiration of each month, pay the amount chargeable to them as aforesaid to the Public Treasurer: and all such amounts shall be carried to the credit of the Gaol account in the Treasurer's Books.

That whenever the Adult Prisoners in the said Gaol shall be employed on or in any Public work or building, otherwise than the repairs of the Public Highways aforesaid, a separate account shall be kept by the Gaoler of such work, in which shall be charged against the Public the labour of such prisoners at the rate of Tenpence per day for each prisoner so employed; and the amount, as appearing in the Monthly Returns hereinbefore provided for, shall be carried by the Treasurer in the public accounts to the debit of the

No. 118.
27th May, 1856.

CL. XII.
Account to be kept by
Gaoler of labour of
prisoners.

CL. XIII.
Gaoler or other Officer
of Gaol not to employ
prisoners.

CL. XIV.
Prisoners employed on
the Public Highways,
amount of their labour
account to be charged
to Waywardens or
Townwardens, as case
may be.

CL. XV.
Prisoners employed on
any Public work or
building, the Public to
be debited with the
value of such labour,
and the Gaol account
credited therewith.

No. 118.
27th May, 1856.

CL. XVI.
Hours of labour of
prisoners employed
on Public Roads, or
Public works.

CL. XVII.
Employment of pri-
soners, when no work
to be found outside
the Gaol, to be fixed
by Board of Directors.

And more especially
in breaking stone,
which broken stone
may be sold.

Gaoler to keep account
of broken stone sold.

Gaoler failing to pay
as aforesaid, or keep-
ing false accounts, to
be fined 20*l.*, and, on
conviction, dismissed

CL. XVIII.
Male Prisoners, when
there is no public work
on which to employ
them, may be hired
out to labour within
two miles of the Pub-
lic Gaol in Kingstown.

CL. XIX.
Employment of female
prisoners.

Public, on account of the work or building on which such prisoner shall have been engaged, and to the credit of the said Gaol account.

That whenever the prisoners in the said Gaol shall be employed on the Public Roads, or in or on any Public work or building, and their labour shall, under the provisions of this Act, be chargeable against the Waywardens or the Townwardens of Kingstown, or the Public, in respect of such employ, such prisoners shall be bound to work for the space of nine hours in the day, subject always to the Gaol Rules and regulations established or to be established as hereinbefore mentioned and referred to; due provision and allowance being made for the time required in going to and returning from any such Public work, which shall be included in such nine hours.

That when no Public work can be found for such prisoners as aforesaid outside the walls of the said Gaol, either on the Public Roads or Public works or buildings, or whenever, from prevailing sickness or the state of the weather or other cause, it is deemed inadvisable to employ the prisoners in labour without the Gaol, such prisoners shall and may be employed in any work or labour within the walls of the said Gaol that shall be provided by the said Board of Directors, and more especially in the breaking of stone for the repairs of the roads; and it shall be lawful for the Gaoler to sell to any person who may be willing to purchase and take away the same any quantity of stone broken by such prisoners, whether the same be required for public use or private purposes, at such rate as shall be fixed by the Board of Directors; and an account shall be kept by the Gaoler of all such sums of money as he shall receive for any such broken stone, or for any work performed by the prisoners, and the same shall be paid monthly, on the first day of every month in every year, to the said Treasurer by such Gaoler, and shall by the Treasurer be carried to the credit of such Gaol account; and if the Gaoler shall fail to keep such account, or shall wilfully keep back, conceal, or fail to enter therein the several sums by him received, or shall wilfully or knowingly make any false entry therein, or shall not, within five days after the first day of each month as aforesaid, pay to the said Treasurer the amount which he shall be liable to pay as aforesaid, he shall be deemed guilty of a Petty Offence, and shall be liable for each offence and neglect, on conviction before any Police Magistrate or two Justices of the Peace, to forfeit and pay any sum not exceeding Twenty Pounds; and on conviction of such offence the Gaoler shall be deemed unfit and incompetent to hold the office of Gaoler, shall, from the date of such conviction, cease to be such Gaoler, and another person shall be appointed by the Officer administering the Government to the said office.

And whereas it is possible that there may be no Public work on which to employ male prisoners confined in the Gaol under sentence of hard labour; *Be it enacted*, That if, at any time there shall be no means of employing such prisoners on any Public work, it shall be lawful for the Board of Directors, on an application in writing from any responsible person desirous to obtain the labour of such prisoners (provided the same be sanctioned by licence from the Governor), to let out for hire, to any person willing to hire the same, to labour within two miles of the Public Gaol in Kingstown, such prisoners, at a rate to be settled from time to time by the Board of Directors, with the consent of the Governor, and to be paid daily by the person employing them: *Provided always*, That one or more Constable or Constables, when more than one is necessary, or other Officer or Officers of the Gaol, shall accompany and remain in charge of such prisoners so employed, and that such prisoners shall labour in one gang, and shall not be separated in the performance of their work.

That the Female Prisoners in the said Public Gaol who shall be sentenced to hard labour shall be liable and may be compelled to do work within the walls of the said Gaol in any of the modes following, that is to say:—in making and in repairing and washing the clothing and bedding of all prisoners (debtors excepted) confined in the said Gaol; and in making or repairing any other such articles of clothing or articles as may be furnished to them; in breaking stone; in washing and cleaning the said Gaol; and in cooking for the said prisoners therein; and that prisoners under the age of

fourteen years, sentenced to hard labour, shall be liable and be compelled to work within the walls of the said Gaol, in breaking stone and in keeping clean the Gaol-yard and the buildings within the precincts of the said Gaol.

That it shall and may be lawful for the Officer administering this Government, by and with the consent of the Council of the said Government, to frame, annul, alter, and amend, from time to time, such Rules and Regulations as the Officer administering this Government and the said Council may deem necessary for the infliction of any punishment by Law authorized, and for regulating the mode and degree of any such punishment to be inflicted on any prisoner under sentence of any Criminal Court and confined in any Gaol, or employed at hard labour outside of any Gaol within the said Government, who may be guilty of any breach of Gaol Discipline, or of any disobedience of any Rule framed and published by the Officer administering this Government and the said Council for the better regulation and maintenance of good government and discipline amongst any such prisoners: *Provided always*, That the punishments to be awarded by any such Rules shall not be other than as follows, that is to say:—solitary confinement, placing in irons when necessary for safe custody, hard labour within the walls of the prison, and, in the case of a male, whipping: *And provided also*, no Rule so to be made shall impose a greater punishment than as follows, that is to say:—in the case where solitary confinement or hard labour shall be awarded, the same shall be for a term not exceeding seven days at any one time, and in the case of a male, where whipping shall be awarded, such whipping shall not exceed thirty-nine stripes; and no such sentence or award, for breach of prison discipline or of the Rules aforesaid, shall be carried into execution until after a report thereof shall be made to the Officer administering this Government, and such sentence or award confirmed by him in writing.

That in quoting and citing this Act, it shall be sufficient to use the words "The Prison Direction Act, 1856."

That this Act shall not come into operation until Her Majesty's pleasure shall be signified in respect thereof.

No. 118.
27th May, 1856.

CL. XX.
Governor and Council to frame Rules for the punishment of prisoners guilty of breach of Prison Discipline or Rules.

CL. XXI.
Act to be cited as "Prison Direction Act, 1856."

CL. XXII.
Suspending Clause.

No. 119.

An Act to make Provision for carrying into Execution in the Island of St. Vincent and its Dependencies "The West Indian Incumbered Estates Act, 1854."
[27th May, 1856.]

WHEREAS by an Act of the Imperial Parliament made and passed in the eighteenth year of the reign of Her Most Gracious Majesty Queen Victoria, to be cited as "The West Indian Incumbered Estates Act, 1854," it is amongst other things enacted and provided that Her Majesty may from time to time, by Order in Council, direct the said Act to come into operation in any of the Colonies mentioned in the Schedule to the said Act annexed, and that thereupon, but not otherwise, the same should have the force of Law in such Colony: *Provided always*, and it is thereby expressly declared that no such Order in Council shall be made until the Legislature of such Colony has presented an address to Her Majesty praying Her Majesty to issue such Order, and has also, to the satisfaction of Her Majesty's Principal Secretary of State for the Colonies, made provision for the payment of the salaries of the Local Commissioners, and of all such Assistants, Secretaries, Clerks, Messengers, and Officers as may be appointed under the said Act in the said Colony, and of such other expenses of carrying the said Act into execution as are thereinbefore directed to be provided for by the Legislature of the Colony; *And whereas* the Colony of St. Vincent is one of those named in the said Schedule, but, by reason of the impoverished state of the Colony, with a diminished trade and revenue, it is unable to meet its present liabilities and expenditure, and a reduction in such expenditure and in the emoluments of the present holders of office in the said Colony is in contemplation,

Preamble.

No. 119.
27th May, 1856.

CL. I.
Commissioners to be
remunerated by Fees
instead of Salaries.

and no fund exists or can be provided from which to make provision out of the Public Revenue for payment of [the] Salaries of holders of Offices to be created as contemplated by the said hereinbefore in part recited Act; And whereas the Legislature of this Colony has, by an humble Address, prayed Her Most Gracious Majesty that she will be pleased to issue an Order in Council directing the said recited Act to come into operation within this Her Majesty's Island of St. Vincent.

And whereas it is deemed absolutely necessary for the welfare of the Colony that the provisions of the said recited Act should be operative in this Island, and, as the only means of obtaining the same, it is considered advisable that in lieu of Salaries, which it is impossible to provide and pay from the Public Revenue, the Commissioner or Commissioners to be appointed under the said recited Act should be remunerated by Fees to be paid by the Suitors or persons prosecuting and defending or adopting proceedings under the said recited Act, and for that purpose seeking the intervention of the Commissioners under the same Act; Be it therefore enacted by the Governor, Council, and Assembly of the Government of St. Vincent and its Dependencies, that the Commissioners to be appointed in pursuance of the said recited Act in this Colony of St. Vincent shall be entitled to have, receive, and take, in and as and for remuneration for the services and duties to be by him or them performed, such Fees in respect of the business and duties to be performed under the said recited Act as shall be fixed and settled by the Commissioners in England under the 13th Clause of the said recited Act, subject to such disallowance or alteration by the Legislature of this Colony as is in and by the said last-mentioned Clause of the said recited Act mentioned.

CL. II.
[Appoints Officers, and
authorizes their tak-
ing Fees.]

That the Secretary of the Supreme Court of Judicature of this Colony, or his lawful Deputy, shall be the Secretary to the said Commissioners under the said recited Act; and the Provost Marshal, or his lawful Deputy, shall be the sole Executive Officer of the said Commissioners for the service of all process to be issued by said Commissioners; and such Secretary and Provost Marshal respectively shall, in respect of the duties and services to be by them respectively performed, be entitled to have, receive, and take such Fees as shall be fixed and settled by the Commissioner or Commissioners, under the powers in the said "West Indian Incumbered Estates Act, 1854," contained, subject to such disallowance or alteration as therein mentioned.

CL. III.
Fees established to be
paid by Suitors to per-
sons thereto entitled.

That all such Fees, when settled and approved as by the said recited Act is provided, shall be demandable by and payable to the respective persons to whom the same shall be awarded as remuneration for the services to be by them respectively performed, and shall be payable and paid by the Suitors in the Court to be established under the said recited Act in this Colony, and payment of all such Fees shall and may be demanded by any person to whom the same are made payable before he shall be required to perform the duty or service in respect of which any such Fee shall be payable; and if any person to whom any Fee shall be so given under the provisions of this Act shall demand or take any greater or other Fee, in respect to any duty or service by him performed or required to be performed under the said recited Act, every such person shall be deemed guilty of a Petty Misdemeanour and of Extortion, and shall be liable, on conviction before any Police Magistrate or any two Justices of the Peace, to forfeit and pay a penalty not exceeding Twenty Pounds, nor less than Five Pounds, and to make amends to the party aggrieved in treble the amount demanded, and the mode of procedure for the recovery and enforcement of such Penalty and Amends shall be according to "The Summary Procedure Act, 1853."

Officer demanding
greater Fee than those
allowed, guilty of ex-
tortion and liable, on
conviction, to penalty
of not more than 20l.
nor less than 5l., and
to make amends to
party aggrieved.

CL. IV.
Schedule of Fees to be
exhibited publicly in
Office of person enti-
tled thereto, and List
of all Fees payable
under Act to be pub-
lished in the Island.

That every person to whom any Fee shall be payable under the provisions of this Act or the said recited Act shall cause a List or Schedule of all such Fees to be publicly exhibited at all times in his office or place of business, under a penalty of Five Pounds, to be recovered as last aforesaid; and the Chief Commissioner for this Government, if more than one shall be appointed under the said recited Act, or the Commissioner if only one, shall cause a

List of all Fees authorized to be received by the Commissioners or Commissioner, and the Officers acting under him or them, to be inserted at the public expense in the Gazette of the said Island, and in the several Newspapers of the said Island, before any proceedings are had or taken in the Court to be established in this Colony under the said recited Act, and before any Fee shall be demanded or become payable under the same.

That this Act shall not come into operation until Her Majesty's pleasure thereon shall be signified and made known.

No. 119.
27th May, 1856.
Gazette and Newspapers.

CL. V.
[Act subject to Her Majesty's pleasure]

No. 120.

An Act to amend "The Wine Act, 1855."

[4th August, 1856.]

WHEREAS by the Seventeenth Clause of "The Wine Act, 1855," it is declared and enacted that if any person to whom any Retail Licence shall be granted shall leave the said Government, or shall not pay to the Treasurer half of any such sum of money as hereinbefore mentioned, on or before the first day of July then next following the day on which any such Licence may be so granted, the Licence of every such person shall be cancelled, and the payment of such half of any such sum of money shall be enforced by the Treasurer, who shall give notice in the Gazette of such Licence having become cancelled; and that, after the expiration of seven days from the day of the publication of such notice, if any such half of any such sum of money be not paid [that] he will proceed upon the Bond so given as aforesaid, and enforce the payment of the same according to the condition thereof; And whereas it may happen that such moiety or half of the sum of money so payable on or before the first day of July may not be paid through accident, illness, or other unavoidable cause, on the said first day of July, and it is expedient to give to the Treasurer a discretionary power in all such cases, if any shall arise; *Be it therefore enacted*, by the Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies.

Preamble.

* * * * *

That if any person to whom a Retail Licence shall be granted under the said recited Act, and whose Licence shall for any cause be legally cancelled, shall, after the cancelling of his Licence and after notice thereof given in the Gazette by the Treasurer, sell or expose for sale, or dispose of, within the meaning of the said recited Act or this Act, any Spirituous Liquors, every such person shall on conviction be deemed guilty of selling Spirits without a Licence within the meaning of the said recited Act and this Act; and to avoid all doubts as to the meaning of the word "Cancelled," it is hereby declared that it shall not be necessary to the cancelling of a Licence that the same should be delivered up by the holder thereof to be cancelled or destroyed by the Treasurer, but that notice in the Gazette by the Treasurer that a Licence has been cancelled shall be deemed and taken to be a cancelling of the same to all intents and purposes.

That the thirty-fourth and thirty-fifth Clauses of the said "Wine Act, 1855," shall be and the same are hereby repealed.

That whenever any Licence for the sale of Spirituous Liquors shall be cancelled the Treasurer shall notify the same in the Gazette of the said Government, which shall be deemed notice to all persons.

And whereas [in] the form of the Information contained in Schedule K to the said recited Act annexed, the words "The Rum Act, 1855," are used by mistake for the words "The Wine Act, 1855;" for remedy whereof, *Be it enacted*, That in every Information laid under the said recited Act, where the form required shall be that contained in the said Schedule K, it shall be lawful to substitute in every such Information for the words "The Rum Act, 1855," the words "The Wine Act, 1855."

That whenever any case, or suspected case of infringement of the provisions of the said recited Act shall arise which the Governor shall, by and

CL. I. and II. [Repealed.]

CL. III.
Person selling Spirituous Liquors after his Licence is cancelled to be deemed guilty of selling without a Licence.

CL. IV.
Repeals 34th and 35th Clauses of "The Wine Act, 1855."

CL. V.
Treasurer's notice in the Gazette of the cancelling of a Licence to be sufficient notice to all persons.

CL. VI.
In Schedule K, to "The Wine Act, 1855," the words "The Wine Act, 1855," to be substituted for the words "The Rum Act, 1855."

CL. VII.
Governor may direct Law Officers of the Crown to prosecute any case arising out of "Wine Act, 1855."

No. 120.
4th August, 1856.

All Fines and Penalties when recovered to be applicable in the first place to the payment of expenses of such prosecutions.

Proviso.
No expense to be incurred by the Public for such prosecutions.

CL. VIII.
Onus of proving person to be a Licensed Dealer to be on the person charged.

CL. IX.
This Act and "The Wine Act, 1855," to be read and construed together as one Act.

CL. X.
Whenever a Licence is cancelled, Police or other Constable authorized by the Treasurer may demand the same to be given up to be destroyed. Persons neglecting or refusing to deliver up Licence shall, on conviction before any Police Magistrate or two Justices of the Peace, be deemed guilty of a Petty Offence, and be liable to be fined any sum not exceeding 20*l.*, or be imprisoned for a period not exceeding three months.

CL. XI.
Owner of Sugar Estate or Plantation whereon Rum is manufactured, not [required] to take out a Licence under "The Wine Act, 1855," to enable him to sell, &c. Rum manufactured. Not less than 25 gallons of Rum to be sold, bartered, &c., and delivered at one and same time.

with the advice of the Council, consider a fit subject for a public Prosecution, it shall be lawful for the Governor to direct the Attorney or Solicitor-General to prosecute the same; and all Fines or Penalties laid or imposed by this Act, when recovered, are hereby declared to be applicable in the first place to the payment of the expense of any such Prosecutions, and the Governor is hereby authorized to issue his Warrant for the payment of the same out of such Fines and Penalties; *Provided always*, That nothing herein contained shall authorize the incurring any expense on the part of the Public of this Colony beyond what the Fines and Penalties levied under the said recited Act and this Act shall be sufficient to meet.

That, in every Information laid under the said recited Act against any person for the offence of selling Spirits contrary to Law, the onus of proving that the person charged with such offence is a Licensed Dealer shall be on the person so charged.

That this Act and the said "Wine Act, 1855," shall be read and construed together as one Act, and all and every the provisions and powers contained in the said recited "Wine Act, 1855," shall be applicable and put in force for enforcing any Penalty incurred under this Act.

That every person to whom a Retail Licence shall have been granted under the provisions of the said recited Act, and whose Licence shall have been duly cancelled according to the provisions of the said recited Act or this Act, shall deliver up such Licence to be cancelled and destroyed, on the same being demanded by any Police or other Constable duly authorized in writing by the Treasurer to demand the same; and if any such person as aforesaid shall neglect or refuse to deliver up any such cancelled Licence, on demand made by any Police or other Constable authorized as aforesaid, every such person shall, on conviction before any Police Magistrate or two Justices of the Peace, be deemed guilty of a Petty Offence, and shall be liable to be fined in any sum not exceeding Twenty Pounds, or to be imprisoned in the Common Gaol for any period not exceeding three calendar months.

And whereas by the said "Wine Act, 1855," no Spirituous Liquors whatever can be sold, bartered, or exchanged, in any quantity unless the party selling, bartering, or exchanging the same is the holder of a Licence under the said Act; *And whereas* by the terms of the said Act Estates are prevented from selling, bartering, or exchanging the Rum manufactured thereon without taking out a Licence, which was not intended by the Legislature; for remedy whereof, *Be it enacted*, That nothing in the said "Wine Act, 1855," contained shall render it necessary for the owner or owners of any Sugar Estate or Plantation whereon Rum is manufactured to take out a Licence under the said recited Act to enable him or them to sell, barter, or exchange the Rum manufactured on such Estate, provided such Rum be sold, bartered, or exchanged in a quantity of not less than twenty-five Imperial gallons, to be delivered at one and the same time and in one package or cask where the quantity sold, bartered, or exchanged shall not exceed twenty-five Imperial gallons aforesaid.

No. 121.

An Act to Amend an Act, intituled "An Act for the more easy and speedy Recovery of Small Debts." [6th November, 1856.]

Preamble.

WHEREAS by the second Clause of the Act of this Government, intituled "An Act for the more easy and speedy recovery of Small Debts," *It is provided*, That the Summons and Execution therein respectively mentioned shall be served and executed by the Special Constable to be appointed, as in the said Act mentioned; *And whereas*, by the seventeenth Clause of the said recited Act the Governor is authorized, by and with the advice and consent of the Council, to appoint fit and proper persons in each Police district to be Special Constables for the purposes of the said recited Act, and a salary of Forty Pounds per annum is thereby provided for each Special Constable;

And whereas a considerable expense is incurred in the payment of such Special Constables which it is considered may be saved to the Colony by employing the Police Constables in executing the process under the said recited Act; *Be it therefore enacted* by the Governor, Council, and Assembly of the Government of the Island of St Vincent and its Dependencies, That so much of the said seventeenth Clause of the said recited Act, and all other such part and parts of the said recited Act, as prescribes or fixes the mode of the appointment of Special Constables under the said Act, or grants or fixes their pay or salary, shall be and the same is and are hereby repealed.

And whereas by the nineteenth Clause of the said recited Act the Special Constables appointed under the same are required to give security as therein mentioned; *Be it therefore enacted*, That the said nineteenth Clause of the said recited Act shall be and the same is hereby repealed.

That the Special Constables for carrying out the provisions of the said recited Act shall hereafter be appointed as follows, that is to say: the Police Magistrate of each district, or, in case there shall be no Police Magistrate, the person to be appointed in each Police district by the Governor to carry out the provisions of the said recited Act as therein provided, shall immediately on the passing and coming into operation of this Act, and so from time to time as often as occasion shall require from death, dismissal, resignation or otherwise, select in each Police district as and for a Special Constable one Constable from the Police Force established by Law (who shall be able to read and write) for the purpose of performing the duties heretofore performed by the Special Constable of the district appointed under the said recited Act; and the Police Constable so selected shall receive from the Magistrate or other person aforesaid who shall so select him a Warrant in writing in the form A, to this Act annexed, and such Police Constable so selected and appointed shall, during all such time as he shall continue to be a Police Constable, and so long as his Warrant do and shall remain unrevoked, be and he is hereby declared to be a Special Constable within the meaning of the said recited Act, and for the purpose of performing, and with power and authority to perform and execute, all and every the duties and duty authorized or required to be done, executed, or performed by a Special Constable under the said recited Act, and he is hereby declared to be invested with all and every such and the same powers and authorities as in and by the said recited Act are given to and vested in a Special Constable appointed under the provisions thereof, and to be within the meaning and protection of the nineteenth Clause of the said recited Act.

That the public notice of the names of the Police Constables so to be appointed Special Constables as aforesaid shall be inserted in the Gazette, in like manner as is provided by the said recited Act in reference to the Special Constables thereby authorized to be appointed; and the Special Constables to be appointed under this Act shall be sworn in like manner as the Special Constables appointed under the said recited Act, and shall be entitled to demand, have, and receive the Fees by the said recited Act given to the Special Constables therein mentioned.

And whereas it may happen that difficulties may arise in some or one of the Police districts in getting a Police Constable duly qualified to be permanently appointed to act as a Special Constable; for remedy whereof, and until Police Constables shall be appointed in the several Police districts to act as Special Constables, or in the event of a vacancy hereafter occurring which shall be found incapable of being filled in manner hereinbefore provided for; [*Be it enacted*] that it shall be lawful in any Police district where there shall be no "Special Constable appointed under the provisions of this Act for any Police Constable duly appointed under any Police Act in force or to be hereafter in force in this Government to serve any Summons or Warrant, and to levy and enforce any Warrant or Writ of Execution issued under the authority of the said recited Act, and to perform any and every other duty under the said recited Act required to be performed, done, or executed by a Special Constable, and which prior to the passing of this Act was required to be performed, done, served, or executed by a Special Constable appointed under the said recited Act; and any Writ or Process served or executed, and

No. 121.
6th November, 1856.

CL. I.
[Repeals Cl. 17 of
"Small Debt Act."]

CL. II.
[Also Cl. 19.]

CL. III.
[Police Constables to
perform the duties of
Special Constables.]

CL. IV.
[Names of Police Con-
stables to be gazetted.]

CL. V.
[In default of Special
Constables, Police may
serve and enforce
Warrants, &c.]

No. 121.
6th November, 1856.

any other duty, act, matter, or thing done or performed by any such Police Constable after the passing of this Act, and during all such time as there shall be no Special Constable for the district, shall have the same force, validity and effect and be as good and effectual to all intents and purposes, as though the same had been served, done, executed, or performed by a Special Constable as provided by the said recited Act or this present Act; and any Police Constable to whom any Writ, Warrant, or Execution shall be directed or given for execution, shall be entitled to ask, have, demand, and receive all such and the same Fees as by the said recited Act are payable to the Special Constable therein mentioned for the like duty.

CL. VI.
[All powers of "Small Debts Act" extended to Police Constables.]

That all and every the powers and provisions of the said recited Act, in any way relating to the performance of public duty by or the protection of Special Constables under the said Act, shall be and the same are hereby expressly extended to the Police Constables aforesaid when acting in the execution of this Act, or the said Act for the more easy and speedy recovery of Small Debts, and shall and may be acted on and enforced in like manner as if the same were herein repeated and re-enacted, and made applicable to such Police Constable.

CL. VII.
[Police Constables to account for their Receipts.]

That every Police Constable, whether appointed a Special Constable under the provisions of this Act, or acting in the execution of the said recited Act under the provisions of this Act without being so appointed, who shall be entrusted with the collection or receipt of any moneys under the said recited Act, shall account to the Police Magistrate or other person acting in the execution of the said recited Act by whom he shall have been employed in the execution of any process, once in every month, giving to such Police Magistrate or other person aforesaid a full, true, and particular account of all moneys by him received at any time during such month, and of the disposal of the same; and no such Police Constable shall be entitled to receive his monthly pay until such account shall have been rendered to the satisfaction of such Police Magistrate or other person as aforesaid; and, in the event of any moneys remaining in the hands of any such Police Constable; at the end of such month which shall be payable to any other person, such amount shall be paid over to the said Police Magistrate or other person aforesaid, to be by him paid to the party entitled thereto; and the Police Constable failing to make such payment, the Police Magistrate or other person shall certify the same to the Superintendent of Police, who shall stop from the monthly pay of such Police Constable the amount so certified to be due by him, and shall pay over the same, on application, to the Police Magistrate or other person aforesaid, to be paid and applied as aforesaid.

CL. VIII.
[Penalties for Assaulting Special Constables extended to Police.]

And whereas under the said recited Act, and the nineteenth Clause of the same, it is declared an offence to assault or resist, or rescue goods or a prisoner from, or otherwise oppose a Special Constable; *Be it enacted*, That the said recited Clause and the provisions thereof is and are hereby declared to apply and to be expressly extended by this Act to the case of a Police Constable acting under and in the execution of this Act or the said recited Act, and either appointed a Special Constable under the powers herein contained, or acting as a Police Constable in the execution of the duties of the said recited Act.

SCHEDULE A.

To A. B., Police Constable.

You are hereby appointed a Special Constable for the _____ District, to act in execution of the Act for the more easy and speedy recovery of Small Debts.

Dated this _____ day of _____ 18 .

(Signed) A. B. Police Magistrate
Commissioner under said Act.

District, or A. B.,

No. 122.

An Act to make Provision for the future Rector of the United Parishes of St. George and St. Andrew, and his Successors, Rectors of the said Parishes.
[6th November, 1856.]

WHEREAS by an Act of the Government of the Island of St. Vincent and its Dependencies made and passed on the eleventh day of May, in the year of our Lord one thousand eight hundred and eighteen, reciting, amongst other things, a Contract and Agreement in writing between the Reverend John Guilding, then Rector of the Parish of St. George in the said Island, and certain Commissioners for Church Purposes therein mentioned, whereby the said John Guilding, for himself and his successors Rectors of the said Parish, by and with the consent of the then Ordinary, agreed to sell, and the said Commissioners agreed to buy, a certain tract of land situate in the said Parish, being the land appropriated for a Glebe, in consideration and for the sum of Four Hundred Pounds to be payable annually to the said John Guilding and his successors, Rectors as aforesaid, it is, amongst other things, contracted, agreed, enacted, and provided that, in consideration of the said Contract in the said recited Act more particularly mentioned for sale by the said Rector of the Parish of St. George, for himself and his successors, of the tract, piece, or parcel of land in the said Act mentioned, being the Glebe attached to the said Rectory, there should be issued and paid by the Treasurer to the said John Guilding, and to the Rector of the said Parish for the time being, an Annuity or sum of Four Hundred Pounds, as money was then valued in the said Islands, and that the same should be accepted and received by the Rector of the said Parish for the time being as a full compensation and consideration for the said Glebe land, and all rents, produce, profits, and emoluments theretofore arising from the same, and for a Parsonage and Parsonage House for the said Rector; *And whereas* the said Contract was fully carried out, and the said John Guilding during his incumbency, and his successors, Rectors of the said Parish for the time being, have ever since the passing of the said recited Act received the said Annuity of Four Hundred Pounds currency, equal to the sum of One Hundred and Sixty-six Pounds Thirteen Shillings and Four Pence sterling, in addition to the stipend provided by Law from time to time for the said John Guilding and the several Rectors, successors of the said John Guilding, and the said Glebe land hath been duly vested in the said Commissioners; *And whereas* since the passing of the said recited Act, and notwithstanding the provision thereby made in lieu of a Parsonage, a Parsonage House has been purchased and appropriated to the use of the Rectors of the said Parish; *And whereas* the present Rector, in addition to the said provision made by the said recited Act, receives the annual stipend of Three Hundred Pounds as such Rector as aforesaid, and Sixty Pounds per annum as Chaplain to the Gaol in Kingstown; *And whereas* from the diminished resources and lessening revenue of the Colony it is deemed necessary to reduce the general expenditure, with a due regard to existing rights and the maintenance of public faith; *Be it therefore enacted*, That there shall be paid, as and for a Stipend to the Rector of the United Parishes of St. George and St. Andrew in this Colony who shall succeed the present Rector, the Reverend Horatio William Laborde, and to all future Rectors of the said Parishes, such annual sum, in addition to the provision made by the said hereinbefore recited Act, as shall, with the said sum of Four Hundred Pounds currency, or One Hundred and Sixty-six Pounds Thirteen Shillings and Four Pence, thereby made payable, make the total sum of Four Hundred Pounds sterling money, and that such Stipend of Four Hundred Pounds shall be payable quarterly as hereinafter mentioned, and shall be deemed and taken to be in full not only for the duties of the said Cure and to be performed as Rector of the said United Parishes, but also as compensation for performing the duties of Chaplain to the Gaol in the said town of Kingstown, which duties of Chaplain it is hereby expressly declared shall, immediately on the said present Rector ceasing to be the Incumbent, devolve on and be performed by the

Preamble.

[Recites Act of 11th May, 1818, &c.]

Cl. I.

[Grants addition to Rector's Stipend to make up 400l. sterling per annum.]

[Rector undertaking the Duties of Chaplain to Kingstown Gaol.]

No. 122.
6th November, 1856.

CL. II.
[Stipend to accrue
from day of Induc-
tion.]

CL. III.
[Repeals part of Act
11th May, 1818, and
fixes Quarterly Pay-
ments.]

CL. IV.
[Rectors to enjoy Par-
sonage at Kingstown,
and to keep it in Re-
pair.]

CL. V.
[Title of Act.]

future Rectors of the said United Parishes for the time being without further or other remuneration than the stipend by this Act provided.

That, in order to obviate any doubts or difficulty as to the time from which the payment of the annual provision by Law made to such future Rectors shall commence, *Be it enacted*, That no future Rector of the said united Parishes shall be paid any portion of the said sum of Four Hundred Pounds but from the day of his Induction and entry upon the discharge of his duties, and the same shall be payable only during such time as he shall actually reside within the said Parishes and perform the duties thereof: *Provided always*, That nothing herein contained shall be construed to interfere with the provisions of an Act of this Government, intituled "An Act to provide for the performance of the duties of the Clergy during temporary absence," in case of leave of absence duly granted to such Rector.

That so much of the said recited Act of the eleventh day of May, one thousand eight hundred and eighteen, as fixes the times of payment of the sum of money thereby made payable shall be and the same is hereby repealed; and in lieu thereof it is hereby declared that the said sum shall be payable quarterly on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December, on which days also the stipend hereby made payable to the future Rectors of the said Parishes shall be paid by Warrant of the Governor on the Public Treasury.

And whereas the Parsonage House in Kingstown is by Law appropriated to the use of the Rector for the time being of the said Parishes, and it is provided that the same shall be kept in repair by such Rector; *Be it enacted*, That nothing herein contained shall be construed to deprive any future Rector of the right to such Parsonage House during his incumbency; *Provided always*, That nothing herein or in any other Act of the said Government contained shall be construed to give any Rector of the said United Parishes, either on Induction or at any time afterwards, any claim upon the Public or Government of the said Colony in respect of such Parsonage House either for dilapidations or repairs.

That in citing this Act it shall be sufficient to cite the same as "The St. George's Parish Rector's Salary Act, 1856."

No. 123.

An Act to Repeal an Act, intituled "An Act for Providing Salaries for the Keeper and Officers of the Gaol in Kingstown," and to make other Provisions in lieu thereof. [6th November, 1856.]

Preamble.
Reciting Act of 18th
day of January, 1840.

CL. I.
Repeals Act of 18th
January, 1840.

CL. II.
Gaoler and other Of-
ficers of the Gaol to
be appointed by the
Governor.

WHEREAS by an Act passed on the eighteenth day of January, in the year of our Lord one thousand eight hundred and forty, intituled "An Act for Providing Salaries for the Keeper and Officers of the Gaol in Kingstown," it is, amongst other things, provided and enacted, That the Lieutenant-Governor shall appoint fit and proper persons to the following Offices, that is to say:—a Gaoler, with a salary of One Hundred and Fifty Pounds a year; a Chaplain, with a salary of Sixty Pounds; and three Superintendents, each with a salary of Fifty Pounds; *And whereas* it is deemed necessary to reduce the salaries of the Gaoler and the Superintendents, to provide for a Matron, and to abolish the salary attached to the office of Chaplain, on the present holder of the office, the Reverend Horatio William Laborde, ceasing to be Rector of the United Parishes of St. George and St. Andrew; *Be it therefore enacted*, by the Governor, Council, and Assembly of the Government of the Island of St. Vincent and its Dependencies, that on and from and after the passing of this Act the said recited Act shall be and the same is hereby repealed.

That the Gaoler, Matron, and other Officers of the Gaol shall be appointed by the Governor, and shall be liable to be suspended or dismissed by him for misconduct or neglect of duty.

That, from and after the passing of this Act the person holding or hereafter to be appointed to the office of Gaoler shall have and receive a salary of One Hundred and Twenty Pounds per annum, and the person holding or hereafter to be appointed to the office of Matron shall receive a salary of Forty Pounds per annum; [such] salaries to be payable monthly.

That there shall be three Turnkeys or Superintendents for the said Gaol, each of whom shall have and receive an annual salary of Forty Pounds, payable monthly.

That the Gaoler, Matron, and Turnkeys or Superintendents, shall be under the immediate control of the Provost Marshal, and shall be subject to such Rules and Regulations as shall from time to time be made and ordained under the authority of the Act of the Imperial Parliament of the first and second Victoria, chapter sixty-seven, intituled "An Act for the Better Government of Prisons in the West Indies;" and shall be also subject to the Provisions, Rules, and Regulations established or to be established by or under the Act of this Government, intituled "The Prison Discipline Act, 1855," and such other rules and regulations as shall, from time to time, be by lawful authority established.

And whereas the Gaol in Kingstown is the only place of safe custody for Debtors, who are there confined as well as persons charged with or convicted of Criminal Offences, and it is necessary [that], as the Provost Marshal does not nominate to the office of Gaoler he should have some guarantee for the faithful discharge of his duties by the Gaoler, and for that purpose that the Gaoler to be appointed to the said Gaol should, if thereto required by the Provost Marshal, give such security as hereinafter mentioned; *Be it enacted*, That every person appointed or to be hereafter appointed the Gaoler of the Kingstown Gaol shall, before he enters on the duties of his office, if thereto required by the Provost Marshal, enter into bond with the Provost Marshal, himself in Three Hundred Pounds, and two sufficient sureties each in the sum of One Hundred and Fifty Pounds, conditioned for the due and faithful discharge of his duties as such Gaoler.

And whereas a contract was lately entered into with the Reverend Horatio William Laborde, by which, on resigning his Glebe and Fees at Calliaqua and consenting to the same being vested in the Perpetual Curate thereof, it was provided and agreed that the said Horatio William Laborde should, so long as he should continue Rector of the United Parishes of St. George and St. Andrew, be entitled to the office of Chaplain to the Gaol, with the salary then provided for the same; *Be it enacted*, That the said Reverend Horatio William Laborde, so long as he shall continue the Rector of the United Parishes of St. George and St. Andrew, shall be entitled to hold the office of Chaplain to the Gaol, with an annual salary of Sixty Pounds, payable quarterly as heretofore: *Provided always*, That on the said Horatio William Laborde ceasing to be such Rector the said office of Chaplain to the Gaol shall devolve on the Rector for the time being of the said United Parishes, who shall be obliged to perform the duties of such Chaplain without further compensation than that provided by Law for such Rector, and that the annual salary of Sixty Pounds, hereby provided for the said Horatio William Laborde, shall thenceforth cease to be payable.

That in citing this Act it shall be sufficient to cite the same as "The Gaol Salaries Act, 1856."

No. 123.
6th November, 1856.

CL. III.
Granting salary to Gaoler and Matron.

CL. IV.
Salaries of Superintendents.

CL. V.
Gaoler, Matron, and other Officers of Gaol to be under control of the Provost Marshal, and subject to Rules and Regulations under Imperial Act, 1 & 2 Vict. c. 67, and "Prison Discipline Act, 1855," of this Government.

CL. VI.
Gaoler to give Security to the Provost Marshal.

CL. VII.
Providing for Salary of present Chaplain, and declaring that same shall cease on his ceasing to be Rector of United Parishes of St. George and St. Andrew.

Future Rectors of St. George and St. Andrew to perform duties of Chaplain without salary.

CL. VIII
[A salary is provided for the Gaol Surgeon by Act 16th October, 1857.]

No. 124.

An Act to limit the Duration of an Act, intituled an Act for granting a Salary to Anthony Hart Hobson, Esquire, Provost Marshal; and to make Provision for any future Provost Marshal.

[6th November, 1856.]

WHEREAS in and by an Act of the Legislature of the Government of St. Vincent made and passed on the eighteenth day of January, in the year of our Lord one thousand eight hundred and forty, intituled "An Act for

No. 124.
6th November, 1856.

CL. I.
[Act of 18th January,
1840, not to extend to
any future Provost
Marshal :]

[His Salary as such,
and as Serjeant-at-
Arms, to be 350*l.* ster-
ling.]

"Granting a Salary to Anthony Hart Hobson, Esquire, Provost Marshal General, in lieu of Fees," a salary of Five Hundred Pounds is granted to the said Anthony Hart Hobson in lieu of all Fees theretofore paid for the duties performed by the Provost Marshal General of these Islands, and theretofore embraced in his account against the Public; *And whereas* the said Anthony Hart Hobson, as such Provost Marshal, holds the appointment of Serjeant-at-Arms to the Council, and has hitherto received as salary for the duties by him performed as such Serjeant-at-Arms the annual sum of Fifty Pounds; *And whereas* the salary so granted to the said Provost Marshal is considered more than adequate for the services performed, and it is deemed necessary to provide for a reduction of the same in the case of any future Provost Marshal; *Be it therefore enacted* by the Governor, Council, and Assembly of the said Island of St. Vincent and its Dependencies, That, in order to obviate all doubts as to the intention or duration of the said recited Act, and to prevent the provision thereby made for the said Anthony Hart Hobson being made a ground of claim by the person who shall succeed the said Anthony Hart Hobson in the said office, the said recited Act shall remain and continue in force only so long and during such time as the said Anthony Hart Hobson shall continue to hold the office of Provost Marshal, and that the same shall not constitute any ground for claim to a like provision by any successor of the said Anthony Hart Hobson; but that any future Provost Marshal of this Government shall have and receive for all and every the Public duties required by him to be performed, as well in his capacity of Provost Marshal as Serjeant-at-Arms to the Council, and in lieu of all Fees which, but for the passing of this Act, would or might be chargeable against or demanded by him from the Public and Government of this Colony, the annual sum of Three Hundred and Fifty Pounds Sterling money, to be paid quarterly by the Treasurer under Warrant from the Governor.

No. 125.

An Act to make Provision for the future Rectors of the United Parishes of St. Patrick and St. David, and to Repeal an Act, intituled "An Act to grant a Sum of Money to the Rector of St. Patrick and St. David to defray House Rent." [6th November, 1856.]

Preamble.

WHEREAS the Rectors of the United Parishes of St. Patrick and St. David have heretofore been granted a stipend by name, on their presentation to and induction into the said Living, and further provision has been made for the Rectors of the said Parishes, by way of allowance for House Rent, by an Act of the said Government, intituled "An Act to grant a Sum of Money to the Rector of St. Patrick and St. David to defray House Rent;" *And whereas*, whilst it is deemed necessary to effect a reduction in the public expenditure, it is felt to be just that the same should take effect, so far as the Rector of the said Parishes is concerned, on the present Rector, the Reverend William Francis Checkley, ceasing to be the Incumbent, and that on such event happening the next and all future Rectors of the said Parishes should be provided for by a permanent Act; *And whereas*, inasmuch as the Glebe of the said Parishes is of considerably greater value than the Glebes of the other Parishes, it is considered that a stipend or annual sum of Three Hundred Pounds, with such Glebe, is a sufficient provision for the same: *Be it therefore enacted* by the Governor, Council, and Assembly of the said Island of St. Vincent and its Dependencies, that on the said Reverend William Francis Checkley ceasing to be the Rector of the United Parishes of St. Patrick and St. David, the person who shall succeed him as such Rector, and all future Rectors of the said Parishes, shall have and receive an amount or [of] stipend at the rate of Three Hundred Pounds sterling per annum, payable in four quarterly payments by Warrant of the Governor on the Treasury, and that the said sum of Fifty Pounds payable annually under the said herebefore recited Act shall thenceforth cease to be payable: *Provided always*,

CL. I.
Salary of future Rec-
tors shall be 300*l.*

Proviso.
Said Rector to be in Priest's

That the person so to be appointed Rector of the said Parishes shall be in Priest's Orders, and shall be entitled to receive such salary only from the time of his induction and entering upon his duties, and during such time as he shall be resident in the said Parishes and performing the duties of Rector: *Provided also*, That nothing herein contained shall be construed to interfere with the provisions of an Act of the said Government, intituled "An Act to provide for the performance of the Duties of the Clergy during temporary absence."

That the said recited Act, intituled "An Act to grant a Sum of Money to the Rector of St. Patrick and St. David to defray House Rent," shall be repealed, and the same is hereby declared to be repealed accordingly: *Provided always*, That during the incumbency of the said Reverend William Francis Checkley there shall be payable to him the annual sum of Fifty Pounds to defray House Rent, and that the same shall be paid in four quarterly payments as heretofore, by Warrant of the Governor on the Treasury.

No. 125.
6th November, 1856.

Orders; [and to be Resident, &c., saving provisions of Temporary Absence Act.]

CL. II.
[Repeals Act providing House Rent.]

No. 126.

An Act to provide a Salary for the Colonial Secretary of the Government of St. Vincent, and to grant an Annual Sum to him in respect of and in lieu of Fees payable by the Public for Duties performed in his several capacities of Colonial Secretary, Clerk of the Council, Registrar of Deeds, Secretary of the Supreme Court, and Clerk of the Crown and Peace; and to Repeal so much of the Forty-fifth Clause of the Act establishing a Court of Grand Sessions of the Peace as grants a Salary to the Clerk of the Crown. [6th November, 1856.]

WHEREAS the Office of Colonial Secretary in the Island of St. Vincent is held conjointly with the office of Registrar of Deeds, Clerk of the Council, Secretary of the Supreme Court, and Clerk of the Crown; And whereas no salary has been attached by Law to the said office, the same having been heretofore provided for by Fees, except in the annual sum of Fifty Pounds granted to the Clerk of the Crown in lieu of Fees under the Sessions Act, and an annual sum of One Hundred Pounds granted by vote of the Legislature to the Clerk of Council; and it is deemed more advisable to provide one fixed salary for the said Office in lieu of all other claims on the Public and Government of this Colony; And whereas the present holder of the said office, John De la Poer Beresford, Esquire, has heretofore received from the said Government the annual sum of Four Hundred Pounds, and, whilst it is deemed imperative to reduce the expenditure of the Colony, it is deemed right to preserve the public faith with persons now holding office, and to make such reduction prospective; *Be it therefore enacted* by the Governor, Council, and Assembly of the Government of St. Vincent, that there shall be paid and payable to the Colonial Secretary of the Government, for and during all such time as John De la Poer Beresford, Esquire, shall continue to hold the said Office, for and in respect of all and every the duties and services required and to be required to be done and performed by him for the Public and Government of the Colony in his several capacities and offices of Colonial Secretary, Clerk of the Council, Registrar of Deeds, Secretary of the Supreme Court of Judicature, and Clerk of the Crown and Peace, and in lieu and as full compensation for all salary, fees, perquisites, and emoluments whatsoever heretofore by him received, or which would or might but for the provision made by this present Act be payable to and receivable by him in respect of the duties or services to be by him performed for the said Public and Government, a sum at and after the rate of Four Hundred Pounds per annum, which shall be payable from the first day of January in the year of our Lord one thousand eight hundred and fifty-seven, and shall be paid quarterly by Warrant of the Governor on the Treasury, and so in proportion for any time less than a quarter: *Provided always*, and it is hereby further enacted, That such salary of Four Hundred Pounds shall

Preamble.

CL. I.
Providing Salary for John De la Poer Beresford, as Colonial Secretary, &c., of 400*l.* per annum.

Proviso.
Future Secretaries to receive 375*l.*

No. 126.
6th November, 1856.

cease to be payable on the said John De la Poer Beresford ceasing to hold the said offices, and that all future Colonial Secretaries who shall be appointed to the said offices shall have and receive, in respect of the duties and services to be by them performed as aforesaid for the Public and Government of St. Vincent in the several offices aforesaid, and in lieu of all salary, fees, perquisites, and emoluments which, but for the provisions made by this Act would or might be payable by the said Government in respect thereof, the annual sum of Three Hundred and Seventy-five Pounds, payable Quarterly as aforesaid.

CL. II.
Repeals so much of
45th Clause of Sessions
Act as grants Salary to
Clerk of Crown.

That the sum of Fifty Pounds now payable to the Clerk of the Crown, under the forty-fifth Clause of the Act next hereinafter mentioned, shall cease to be payable from and after the thirty-first day of December next, and that so much of the forty-fifth Clause of the Act of the said Government, intituled "An Act for Establishing and Regulating a Court of Grand Sessions of the Peace," made and passed on the twentieth day of January, one thousand eight hundred and fifty-four, as grants the annual sum of Fifty Pounds to the Clerk of the Crown, shall be and the same is hereby declared to be and stands repealed from and after the said thirty-first day of December, in the present year one thousand eight hundred and fifty-six.

CL. III.
Act to be cited as
"The Colonial Secretary's Salary Act,
1856."

That in citing this Act it shall be sufficient to cite the same as "The Colonial Secretary's Salary Act, 1856."

No. 127.

An Act to Repeal an Act, intituled "An Act for Providing a Salary for the Rector of Bequia and the Grenadines;" to constitute the Living of the said Island of Bequia and the Grenadines a Perpetual Curacy; and to provide for the Curate thereof. [6th November, 1856.]

Preamble.

WHEREAS by an Act passed on the seventeenth day of November, in the year of our Lord one thousand eight hundred and forty, intituled "An Act for Providing a Salary for the Rector of Bequia and the Grenadines," the annual and clear sum of Three Hundred Pounds is made payable to the Rector appointed for the Grenadines, as a Stipend or salary; And whereas it is deemed necessary, from the impoverished state of the finances of this Colony, to repeal the said Act and to constitute the Living of the said Grenadines a Perpetual Curacy; but, inasmuch as a Rector hath been recently presented and inducted into the said Living, it is deemed unjust to effect such alteration during such time as he shall continue the Incumbent thereof; Be it therefore enacted by the Governor, Council, and Assembly of the Government of the Island of St. Vincent and its Dependencies, That after the passing of this Act, and immediately on the Reverend John Connell ceasing to be Rector of Bequia and the Grenadines, the said recited Act shall be repealed, and the same is hereby declared thenceforth to stand repealed and to be of no further force or effect.

CL. I.
Act of 17th November,
1840, repealed.

CL. II.
Bequia and the Grenadines to become a Perpetual Curacy.

That, immediately on the Reverend John Connell ceasing to be such Rector as aforesaid, the several Islands comprised within the Government of the Island of St. Vincent, known as the Grenadines, shall cease to be a Rectory, and shall no longer be under the Spiritual care and control of a Rector; but the same shall thenceforth be and the same is [? are] hereby declared to be [? . . .] appointed Perpetual Curate thereof under the provisions of this Act shall have the Spiritual care and supervision of the same, subject in all respects to the like jurisdiction over the same by the Bishop and Ordinary as heretofore.

CL. III.
Curate to [be a Priest in Holy Orders,] and to receive 200*l.* a year as stipend.

That the person to be appointed Perpetual Curate of the Grenadines shall be a Clerk in Holy Orders of the United Church of England and Ireland, and shall have been ordained a Priest prior to his nomination to the said cure; and such Perpetual Curate shall receive during his Incumbency the annual stipend of Two Hundred Pounds, payable quarterly by the Treasurer under Warrant of the Governor; such stipend to commence to be paid

from the day on which such Perpetual Curate shall actually enter on the duties of his cure, and shall be payable only during such time as he shall be actually resident within the said Island of Bequia and perform the duties of his office : *Provided always*, That nothing herein contained shall be construed to interfere with the provisions of an Act of this Government, intituled "An Act to provide for the performance of the Duties of the Clergy during "temporary absence."

That the Freehold of the Church and Land now comprising the Churchyard of the Island of Bequia shall from thenceforth be vested in the Perpetual Curate of the Grenadines for the time being under this Act, for the uses of the said Church and Churchyard : *Provided always*, That the said Curate shall not, by virtue of such seisin, under any other claim, right, or title whatsoever be entitled to claim, demand, have and receive to his own use any sum of money whatever which shall or may be paid or payable in respect of land enclosed or to be enclosed in the said Churchyard, or for or in respect of any monuments, tablet, or stone, erected or to be erected in any Church, chapel, or churchyard of the said Grenadines, but that all such moneys shall be payable to and receivable by the said Curate for the purposes of the said Church or chapel in respect of which the same is payable, and shall go towards and form a Church Fund to be applied by him in the repairs and improvement of the said Church or chapel ; and an account of all such moneys so paid, and of the expenditure thereof, shall be transmitted annually by him to the Officer administering this Government for the time being for the information of the Legislature.

That there shall be payable by all persons for any such Enclosures in the said Churchyard as aforesaid the sum of One Shilling per square foot of land, and for any space to erect any tablet in the said Chapel the sum of Five Shillings per square foot of face wall : *Provided always*, That upon such payment for enclosures being made as aforesaid the persons paying the same shall be entitled to a freehold in the land comprised in such enclosures, for the purposes of interment.

And whereas many persons have already purchased a right to enclose land in the said Churchyard ; *Be it enacted*, That all such persons who have made such purchase as last aforesaid, and who have paid for the same to any Rector of the said Grenadines, shall be entitled to a freehold in the land comprised in such purchase for such purposes of interment, as aforesaid.

That in citing this Act it shall be sufficient to cite the same as "The "Grenadines Curates' Salary Act, 1856."

No. 127.
6th November, 1856.

CL. IV.
Freehold of Church and Churchyard vested in Curate for Church purposes.

CL. V.
Fees payable in respect of Enclosures in Churchyard, &c.
Proviso.

CL. VI.
Persons having already purchased and paid for enclosures in Churchyard to have freehold there for purposes of interment.

CL. VII.
Act to be cited as "The Grenadine Curates' Salary Act, 1856."

No. 128.

An Act to make Provision for the future Rectors of Charlotte Parish.
[6th November, 1856.]

WHEREAS the Rectors of Charlotte Parish have heretofore been granted a Stipend by name, on their presentation to and induction into the said Living ; *And whereas*, whilst it is deemed necessary to effect a reduction in the Public Expenditure, it is felt to be just that the same should take effect so far as the Rector of Charlotte Parish is concerned, on the present Rector the Reverend Thomas Alexander Browne ceasing to be the Incumbent, and that on such event happening the next and all future Rectors of the said Parishes should be provided for by a permanent Act ; and it is considered that a stipend or annual sum of Three Hundred Pounds is a sufficient provision for the same ; *Be it therefore enacted* by the Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, that on the said Reverend Thomas Alexander Browne ceasing to be the Rector of Charlotte Parish, the person who shall succeed him as such Rector, and all future Rectors of the said Parish, shall have and receive an amount or [? of] Stipend at the rate of Three Hundred Pounds sterling per annum, payable in four quarterly payments by Warrant of the Governor on the Treasury, such Stipend to commence and be paid from the day on which such Rector shall actually enter on the duties

Preamble.

CL. I.
[Stipend of future Rectors to be 300*l.* per annum.]

No. 128.
6th November, 1856.
Proviso.

CL. II.
[Title of Act.]

of his Rectory, and shall be payable only during such time as he shall be actually resident within the said Parish and perform the duties of his office: *Provided always*, That nothing herein contained shall be construed to interfere with the provision of an Act of this Government, intituled "An Act to provide for the performance of the Duties of the Clergy during temporary absence," in case of leave of absence duly granted to such Rector.

That in citing this Act it shall be sufficient to cite the same as "The "Charlotte Parish Rectors' Salary Act, 1856."

No. 129.

An Act for granting a Stipend to the Reverend Horatio Nelson Huggins, as Perpetual and Independent Curate of the District and Chapelry of St. Paul.
[13th December, 1856.]

Preamble.

WHEREAS the Reverend Horatio Nelson Huggins has been duly instituted and appointed to the Perpetual and Independent Curacy of the District and Chapelry of St. Paul, in the Parish of St. George, in the said Island of St. Vincent, in accordance with an Act of the Legislature of the Government of the said Island and its Dependencies, intituled "An Act to Separate the "District and Chapelry of St. Paul from the Rectory of the United Parishes "of St. George and St. Andrew, and erect the same into a Perpetual and "Independent Island Curacy, and to make provision for the Curate "thereof;" and it is deemed right to grant a stipend to him during and so long as he shall continue to hold the said Perpetual and Independent Curacy; *Be it therefore enacted* by the Governor, Council, and Assembly of the Government of the Island of St. Vincent and its Dependencies, That there shall be payable and paid by the Treasurer of the said Government, under Warrant from the Governor, to the Reverend Horatio Nelson Huggins, as such Perpetual and Independent Curate as aforesaid, the annual stipend of Two Hundred Pounds, including House Rent, and that the same shall be paid quarterly, on the first day of January, the first day of April, the first day of July, and the first day of October in each year.

That the said Stipend shall commence from the twenty-eighth day of May now last past, being the day of institution and appointment of the said Reverend Horatio Nelson Huggins to the said Perpetual and Independent Curacy.

CL. I.
[Curate of St. Paul's
Stipend, including
House Rent, to be
200*l.* per annum;]

CL. II.
[To commence 28th
May, 1856.]

No. 130.

An Act to lay further Tonnage Dues on all Vessels arriving in this Government.
[22nd June, 1857.]

WHEREAS an Act of this Island now in force, entitled "An Act to lay "further Tonnage Dues on all Vessels arriving in this Government," will expire on the twenty-third day of June of the present year, one thousand eight hundred and fifty-seven, and it is expedient that the same amount of Tonnage Dues, levied under and by virtue of the said recited Act, shall, immediately on and after the passing thereof, be levied on all Vessels arriving within this Government; *Be it and it is hereby enacted* by the Administrator, Council, and Assembly of the Island of St. Vincent and its Dependencies, That, immediately on and after the expiry of the said recited Act, it shall be lawful for the Treasurer of the said Island, and he is hereby authorized and required to exact, demand, and receive from every Ship or Vessel arriving within this Government, on and after the said twenty-third day of June, one thousand eight hundred and fifty-seven, upon and in respect of each time of the arrival of such Ship or Vessel, for the uses and general purposes of this Government, Four Pence per ton on the registered tonnage of such Ship or Vessel, in addition to the Tonnage Dues charged and chargeable under and by virtue of any Act of this Colony which may

CL. I.
Treasurer to receive from every Vessel before admission to entry, or if she shall arrive in ballast before taking cargo on board, Four Pence per ton in addition to the Tonnage Dues chargeable under any other Act in force.

then be or thereafter may come in force, before such Ship or Vessel be admitted to entry, or if such Ship or Vessel shall arrive in ballast before any cargo be shipped or laden, or be allowed to be shipped or laden on board such Ship or Vessel; and it shall in every case be lawful for the said Treasurer or his lawful Deputy, and he is hereby authorized and directed to refuse to grant any Permit for the landing of any goods from such Ship or Vessel until such additional Tonnage Dues as aforesaid be paid, or if such Ship or Vessel shall arrive in ballast, and shall take on board cargo at or within this Government, to refuse to grant a clearance outwards to such Ship or Vessel until such additional Tonnage Dues be paid.

That any balance which on the expiry of the said recited Act may remain unexpended and in the hands and keeping of the Treasurer of the said Island, instead of being applied in aid of the Funds required for the Colonial Hospital, as directed by the said recited Act, shall be added to, and by the said Treasurer carried to account, of the general funds of this Colony, and shall be applied to the general purposes of this Government.

That if the Master or Commander of any Ship or Vessel arriving as aforesaid shall neglect or refuse to pay the additional Tonnage Dues chargeable by this Act, or shall land, or attempt to land, or suffer to be landed from any such Ship or Vessel the cargo or any portion of the cargo thereof, or shall take or lade any cargo on board such Ship or Vessel arriving in ballast as aforesaid, without in any of the cases aforesaid first paying such additional Tonnage Dues, such Master or Commander so offending shall, in every such case, be liable to the same Fines, Forfeitures, Penalties, and Punishments as in the like cases are or shall or may be imposed by any Act of this Colony which shall at the time be in operation for the levying and exacting of Tonnage Dues; and such additional Tonnage Dues, Fines, Forfeitures, and Penalties, shall respectively be recoverable and recovered, in case of non-payment thereof, as in the like cases the Tonnage Dues, Fines, Forfeitures, and Penalties under such last-mentioned Act, are made recoverable and are recovered.

That this Act shall come into operation on the twenty-third day of June of the present year, one thousand eight hundred and fifty-seven, immediately on and after the expiry of the hereinbefore recited Act, and shall continue in force for the space of Three years thereafter.

No. 130.
22nd June, 1857.

Treasurer to refuse Permit for landing cargo, or a clearance outwards, until the additional Tonnage Dues be paid.

CL. II.

On expiry of "The Additional Tonnage Act of 1854," herein recited, certain moneys, being balance applicable to the Colonial Hospital, under said recited Act, shall be carried to account of the general funds of the Colony.

CL. III.

The Master of any Ship neglecting to pay additional Tonnage Dues, or landing or taking on board cargo without first paying such Dues, to be liable to the same Fines, Forfeitures, Penalties, and Punishments as are imposed by any other Tonnage Act in force.

CL. IV.

The day on which this Act shall come into operation, and shall expire.

No. 131.

An Act for establishing Volunteer Infantry Corps in the several Police Districts of this Island and its Dependencies. [1st August, 1857.]

It shall be lawful for the Governor, and he is hereby empowered, at any time after the publication of this Act, to authorize the enrolment in the several Police Districts of this Colony of Volunteer Infantry Corps; provided that on such enrolment being made, the Volunteer Corps for the Kingstown Police District shall be composed of no fewer than fifty Private men to be approved by the Governor, and the Volunteer Corps of every other Police District of not fewer than forty Private men, to be in like manner approved by the Governor.

Each Volunteer Corps shall be named by the Governor, and shall be commanded by such Officers as shall be appointed by Commission under the hand and seal of the Governor; and the Serjeant and all other Non-Commissioned Officers shall be appointed from time to time by the Commanding Officer of such Corps.

Every person wishing to be enrolled in any Volunteer Corps, after it shall have been established, officered, and named, shall have his name presented to the Corps by an Officer or any two Privates thereof, and may thereupon be elected to serve in such Corps by ballot of the Officers and

CL. I.

The Governor to authorize enrolment of Volunteer Infantry Corps in the Police Districts.

The Kingstown Corps to consist of not fewer than 50 approved men; other Corps of not fewer than 40.

CL. II.

The Governor to name each Corps and to appoint the Commissioned Officers, Non-Commissioned Officers to be appointed by Commanding Officers.

CL. III.

After establishment of any Corps, new Members to have their names presented, and to be thereupon balloted for at any muster for parade or drill.

No. 131.
1st August, 1857.

No person to be elected a Member, unless he shall have received the votes of two-thirds of the Officers and Privates.

Every Member to be a natural born or naturalized British subject, and to be a Constable under the "Constables' Act, 1857."

CL. IV.
Oath to be taken by Member.

To be administered to Members of Kingstown Corps by the Governor, to the Members of the other Corps by the Police Magistrates of the respective districts.

Each Member to be enrolled yearly, and to serve as a Special Constable for three years.

CL. V.
The Governor to draw on Public Treasury for providing Clothing and Accoutrements.

CL. VI.
Every Member to keep his Arms and Clothing in good order.

Penalty if Arms or Clothing rendered unserviceable.

CL. VII.
The Governor to procure at the public expense a Non-Commissioned Officer or Private from the Army to instruct the Corps.

CL. VIII.
The Governor and Council to frame Rules and Regulations for good government of the Corps.

CL. IX.
Penalty for non-attendance at Drill, or for absence during Drill.

Privates of the Corps, which ballot shall be taken and made at any muster of the Corps for parade or drill, but no such person shall be elected, or be entitled to be enrolled in such Corps, unless two-thirds of the whole number of Officers and Privates of the Corps shall give their votes in his favour, and he be a natural born or naturalized subject of Her Majesty, her heirs or successors, and be a Constable appointed and enrolled as such under "The 'Constables' Act, 1857."

Every person who shall become a Member of any Volunteer Corps shall, within seven days after he shall be notified of his election or admission thereto, take the following Oath:—I do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, and that I will faithfully serve in the Volunteer Corps for the defence of the Island of St. Vincent and its Dependencies during my enrolment in such Volunteer Corps.

Which Oath shall be administered by the Governor to every Member of the Corps attached to the Kingstown District, and to every Member of any other Corps by the Police Magistrate of the District to which such other Corps is attached; and such Police Magistrate shall grant a Certificate that such Oath has been taken before him, and shall forward to the Governor the name of every Member of the Corps who shall have taken such Oath before him; and every person who shall be enrolled in or be elected a Member of any Volunteer Infantry Corps, shall be bound to serve in such, and to cause himself to be yearly enrolled and to act as a Special Constable under "The 'Special Constables' Act, 1857," for the space of three years.

Towards providing the Members of such Volunteer Corps with the necessary Clothing and Accoutrements, the Governor shall be and he is hereby authorized to draw from the Public Treasury of the Island, from time to time as he may require, and to issue his Warrant, for any sum or sums of money not exceeding in the whole in any one year the sum of Fifty Shillings for every Officer and Private enrolled and serving in any Volunteer Infantry Corps.

Every Member of a Corps shall keep in good order and repair the Arms and Accoutrements furnished to him, under a penalty of Twenty Shillings; and if he shall lose, destroy, or render unserviceable (unless in actual service, or by unavoidable accident) any of his Arms or Accoutrements, he shall, on conviction thereof, forfeit and pay a sum not exceeding Fifty Shillings, and in addition thereto shall pay the full value thereof; and on leaving the Colony, or being ordered to restore his Arms and Accoutrements, shall deliver up all such Arms and Accoutrements as shall have been received by him, in good order and repair, and in default thereof shall be liable, on conviction thereof, to the same forfeiture and payment as in the case of losing or destroying the same.

It shall be lawful for the Governor to procure at the public expense a Non-Commissioned Officer or Private from the Army, or who shall have served in the Army, to instruct the Officers and men of the several Volunteer Corps in their exercise; and the Governor is hereby authorized by Warrant under his hand to draw from the Public Treasury quarterly such sum of money as he may consider a fair remuneration for such instruction.

It shall be lawful for the Governor, with the assistance and advice of his Executive Council, from time to time to make Rules and Regulations for the good government of every Volunteer Corps to be enrolled, and as to the dress, arms, and accoutrements, and the time of the assembling, instruction, training, service, times and places of exercise of every such Corps; a Copy of which Rules and Regulations shall be furnished to every Member of a Volunteer Corps, and the Commanding Officer of every Corps shall read over such Rules to the Corps to which he may belong once in every three months.

Any Member of a Corps to be enrolled under this Act, not labouring under any certified infirmity or incapacity, who shall refuse or neglect to appear at the time and place appointed for his being exercised, as directed by any Rule or Regulation in that behalf, or by any special summons from

his Commanding Officer, or who shall absent himself during the time of any such exercise, shall, on conviction thereof, be liable for every such offence to forfeit and pay a sum not exceeding Ten Shillings.

It shall be lawful for the Governor, in case of actual or threatened invasion or internal commotion, to call out and keep on duty every or any Volunteer Corps enrolled under this Act in any part of the Island, whether in or out of the district to which such Corps may be attached: and if any Member of any Corps shall not in such case join his Corps, it shall be lawful for the Officer in command of such Corps to cause him to be arrested and conveyed to such Corps, to remain therewith until discharged from further duty: and every Officer and Private of any Corps shall, in case of actual or threatened invasion or internal commotion, and after being called out on duty, be subject and liable to the provisions and penalties contained in the Act of Parliament of the United Kingdom of Great Britain and Ireland which shall be in force for punishing Mutiny and Desertion, and to the Articles of War made in pursuance thereof, except Corporal Punishment, so long as the Corps to which he may belong shall be so kept on duty, as aforesaid.

It shall be lawful for the Police Magistrate of the District, and he is hereby authorized and directed, to convict any Member of a Volunteer Corps for any offence committed by him under this Act, or for an offence for which, on commission thereof, such offender would be liable to be tried by Court Martial if such offender were an Officer or Soldier in Her Majesty's Land Forces; and for such purpose such Magistrate is hereby authorized and empowered upon complaint made to him to inquire into every such offence, and to adjudge every such offender to pay for every such offence such fine or penalty not exceeding Ten Pounds, as to such Police Magistrate shall seem meet: and it shall be the duty of the Adjutant of every Volunteer Corps to make complaint before the Police Magistrate of the District to which such Corps may be attached against any Member of such Corps who shall commit any of the offences aforesaid, and to report to the Governor the result of the Magistrate's decision thereon; and it shall be lawful for the Governor, upon receipt of such report, to dismiss from the Corps, if he shall think proper, any offender convicted by such Magistrate.

All Fines, penalties, forfeitures, and sums of money, imposed or authorized to be imposed by this Act for any offence or other matter mentioned in this Act shall and may be recovered in the manner prescribed by "The Summary Procedure Act, 1853;" and all such Fines, penalties, forfeitures, and sums of money shall, on recovery thereof, be paid to the Treasurer of this Island for the Public Uses of the Colony.

In citing this Act in any other Act or in any legal proceeding it shall be sufficient to cite the same as "The Volunteer Infantry Corps Act, 1857."

This Act shall come into operation on the day next after the publication of the same.

No. 131.
1st August, 1857.

CL. X.
In case of invasion or internal commotion, the Governor to call out the Corps, and may order them to any part of the Island.

CL. XI.
Police Magistrates authorized to hear and determine all complaints made against Members of the Corps.

It shall be the duty of the Adjutants to prefer complaints, and to report the result of the Magistrates' decision to the Governor.
The Governor may dismiss Members convicted by a Magistrate.

CL. XII.
Penalties, &c., how to be recovered.

On recovery to be paid to the Treasurer for uses of this Colony.

CL. XIII.
Short title of Act.

CL. XIV.

No. 132.

An Act for the Appointment of Constables.

[1st August, 1857.]

BE IT AND IT IS HEREBY ENACTED by the Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, as follows:

It shall be lawful for the Governor to appoint Constables for the said Island of St. Vincent and its Dependencies from amongst the resident inhabitants thereof, and the said Constables shall thereupon be invested with all the powers, authorities, and immunities belonging to the office of Constable, and shall exercise the same from the dates of their respective appointments to the 31st day of December of the year in which such appointments shall respectively be made; but no appointment to the office of Constable shall be valid until the person appointed to such office shall have taken the following Oath, to be administered to him by the Governor, or by a Police

CL. I.
The Governor to appoint Special Constables for the Island, who shall be invested with all the powers incident to the office of Constable to the end of the year.

But no appointment shall be valid until the Constable be sworn before the Governor, or a Police Magistrate.

No. 132.
1st August, 1857.

Form of Oath.

Each Constable to have a Staff, having "V. R. Special" written thereon.

Staff to be delivered up on expiration of period of service.

Penalty.

CL. II.
Penalty on resisting Constables, &c., in execution of their duty.

CL. III.
This Act not to interfere with any other Act for appointing Constables.

CL. IV.
Short title of the Act when quoted.

CL. V.
Act to come into force on publication.

Magistrate to be named by the Governor for that purpose, *viz.*—I [*person's name*] do swear that I will well and truly serve our Sovereign Lady the Queen in the office of Constable for this Island without favour or affection or malice or ill will, and that I will to the best of my power cause the peace to be kept and preserved, and prevent all offences against the persons and properties of Her Majesty's Subjects, and in all respect execute the duties of my said office to the best of my knowledge and ability, and give every necessary assistance to the Police in the execution of their duty and in bringing offenders to justice. So help me God.

And every person so appointed and sworn shall thereupon receive a Special Constable's Staff, which shall have written or painted thereon the letters and word V.R. Special, and shall be provided at the Public expense; and every Constable shall immediately or within ten days after the expiration of his period of service deliver up his Staff of office to the Police Magistrate of the district or sitting Justices of the district in which he may be at the time residing, under a penalty of Twenty Shillings to be recovered before a Police Magistrate or sitting Justices of the district, with costs, and paid into the Public Treasury for the use of the Government.

If any person shall assault or resist, or shall aid or incite any other person to assault or resist, any Constable appointed under the provisions of this Act while such Constable shall be in the execution of his office, every such person on conviction thereof before a Police Magistrate, or any two or more Justices of the Peace, shall forfeit and pay a sum not exceeding Ten Pounds nor less than Two Pounds, to be recovered before such Magistrate or Justices with costs, and to be paid into the Public Treasury for the use of the Government, or shall be imprisoned, with or without hard labour, for any term not exceeding three months, or shall in the discretion of such Police Magistrate or such Justices suffer both modes of punishment; and in default of payment of any Fine or Forfeiture adjudged to be paid shall suffer imprisonment for such term or further term (as the case may be), not exceeding three months, as the said Police Magistrate or the said Justices shall at the time of such conviction order and adjudge, unless such Fine or Forfeiture be sooner paid.

This Act shall not in any manner interfere or be construed to interfere with or affect any other Act or the provisions of any other Act of the Legislature for the appointment of Special Constables, but every such Act and the provisions thereof, shall remain in full force, virtue, and effect, as if this Act had not been passed.

In citing this Act in any other Act of the Legislature and in all legal instruments, it shall be enough to use the expression "The Constables' Act, 1857."

This Act shall come in force on and immediately after the publication thereof.

No. 133.

An Act for the better Advancement of Justice in cases of Summary Convictions.
[22nd August, 1857.]

Preamble.

WHEREAS it is expedient to provide for the relief of persons who may think themselves aggrieved by the Orders and Convictions of Magistrates in Summary Convictions; *Be it therefore enacted* by the Officer administering the Government, the Council, and Assembly of this Island and its Dependencies, and it is hereby enacted, as follows:—

That in citing this Act it shall be sufficient description to use the expression "The Appeal Act against Summary Convictions, 1857."

That in every case of Summary Conviction before any Magistrate any person who shall think himself aggrieved by the Order or Conviction of any such Magistrate may appeal to the Supreme Court of Judicature: *Provided*, That such person at the time of such Order or Conviction, or within forty-eight hours thereafter, shall give notice either personally or in writing to the

CL. I.
Short title of Act to be cited.

CL. II.
Appeals against Summary Orders or Convictions allowed.

Proviso.
As to Notice and for Security.

Magistrate by whom such Order or Conviction shall have been made of an intention to appeal, and within such last-mentioned time, if at large, enter into a recognizance before such Magistrate, with two sufficient securities, conditioned personally to appear in the said Court to try such Appeal and to abide the further Order of such Court, and to pay such costs as shall be awarded by the said Court; and upon such notice being given and such recognizance being entered into the Magistrate before whom the same shall be taken shall liberate such prisoner if in custody.

The Magistrate by whom [such] Order or Conviction [is] made shall bind over the Witnesses who have been examined in sufficient recognizances to attend and be examined at the hearing of such Appeal.

The Form of Recognizance may be such as set forth in Schedule annexed, marked A, and in case the party appealing shall be in actual custody any Magistrate is hereby authorized and required to take such recognizance.

5. That every Appellant shall within four days after the date of the Order or Conviction appealed against lodge with the Magistrate making such Order or Conviction at his Office, or leave with his Clerk or the Chief Officer of Police at the Police Station at which such Magistrate did preside, a statement in writing in short and plain language of the grounds of such Appeal signed by the Appellant or his Agent, and no objection shall be allowed thereto for want of form, and in default thereof shall lose the benefit of such Appeal and of this Act; and thereupon every such Order or Conviction appealed against shall become and be in full force and effect without any further Order by the Magistrate making or pronouncing the same, and be executed according to the tenure thereof.

Provided, That it shall not be lawful for the Appellant on the trial of any such appeal to go into or give evidence of any other ground of appeal besides those set forth in such statement.

Every Magistrate whose Order or Conviction shall be appealed against shall, within six days after the date of the Order or Conviction, return into the Secretary's Office of the Supreme Court of Judicature a correct copy of all the proceedings taken before him in the matter of the Information or Complaint in which such Order or Conviction shall be made, together with the grounds of appeal duly certified under his hand and seal.

That after such Return made by such Magistrate, and certified by the Secretary of the Supreme Court of Judicature as last aforesaid, a Writ of Summons of Appeal, in the Queen's name, under the seal of the Supreme Court of Judicature tested in the name of the Chief Justice or any Assistant Justice of the same Court, shall issue out of the said Court, to be directed to the Respondent in such Appeal, requiring him on a certain day to appear before the Justices of the said Court, at the Court House in the Town of Kingstown, to hear Judgment on Appeal in the matter of such Information or Complaint, and which said Writ may be in the form set forth in the Schedule annexed, marked B.

That such Writ of Summons of Appeal shall issue, at the instance of the Appellant or his Agent, at any time within four days after the return into the Secretary's Office of the Supreme Court of Judicature of the transcript of the proceedings in the matter of the Information or Complaint in which such Order or Conviction shall be appealed against, and a copy thereof shall be served by any person competent to prove such service by delivering a true copy of the Writ to the party named therein, or leaving the same at his usual place of abode, six days before the return thereof, and such service shall be proved by the party making the same by affidavit sworn before the Chief Justice or any Assistant Justice of the said Court, and filed in the Office of the Secretary of the said Court two days before the return of the Writ of Summons.

That on the day and at the time mentioned in the said Writ of Summons of Appeal the Supreme Court of Judicature shall sit for the purpose of hearing Appeals, and for the purposes of this Act, notwithstanding the said Court may be under adjournment or in vacation, and shall have power and authority to examine any witness or witnesses, as well those who have given

No. 133.
22nd August, 1857.

CL. III.
Justices to bind over
Witnesses.

CL. IV.
Form of Recogni-
zance.

CL. V.
Appellant shall lodge
with Justice grounds
of Appeal.

CL. VI.
Proviso.
No other ground of
Appeal to be gone into
on hearing than that
stated.

CL. VII.
Magistrate to return
Copy of Proceedings
into Secretary's Office.

CL. VIII.
Writ of Summons of
Appeal to issue tested
in name of the Chief
Justice.

CL. IX.
Writ to issue at in-
stance of Appellant or
his Agent.

Service of Writ.

CL. X.
Hearing of Appeal.

No. 133.
22nd August, 1857.
Subpœna to issue.
Power of Court.

Judgment of Court.
Duty of Secretary.

Execution of Judgment.

CL. XI.
Appeals to be decided on merits only, and not to be removed by Certiorari.

CL. XII.
Chief Justice or any two Assistant Justices to examine Jurisdiction.

CL. XIII.
Time, how computed.

CL. XIV.
Appellant omitting to take out and serve Writ of Summons of Appeal, to lose the benefit of Appeal.

CL. XV.
Magistrate omitting to do any Act required, to forfeit 5*l*.

CL. XVI.
Forfeited Recognizances to be returned to the Clerk of the Crown.

CL. XVII.
No Appeal allowed on

testimony on the original hearing of the case as such others as may be produced by either Appellant or Respondent under a Subpœna *ad testificandum* duly issued out of the said Court in the usual form and served two days before the return of the Writ of Summons of Appeal; and such Court shall have full power and authority to hear and finally determine the said appeal, and thereupon to reverse, affirm, or amend any Order or Conviction appealed against, with or without costs, as to such Court shall seem meet, and such Judgment or Order of the Court shall be entered of record in the Court by the Secretary in the usual form, who shall forthwith certify such entry under his hand in the form, as near as may be, or to the effect mentioned in Form C in the Schedule annexed to this Act, with the necessary alterations to adapt it to the circumstances of the case; and, in case the Appellant shall be at large, shall transmit or deliver the same to the Magistrate whose Order or Conviction shall be appealed against, and if in custody, to the Gaoler; and the said Certificate shall be a sufficient Warrant to such Magistrate or Gaoler and all other persons for the execution of the said original Order or Conviction as the same shall be so certified to have been affirmed or amended, and execution shall be thereupon executed on such Order or Conviction and for the discharge of the person convicted from further imprisonment if the Order or Conviction shall be reversed, and in that case such Magistrate or Gaoler shall forthwith discharge such Appellant, and the Court shall order the recognizance of bail, if any, to be vacated.

That no Order, Conviction, Judgment, or Adjudication of any Magistrate shall be set aside, vacated, or reversed for any defect of form therein or in any proceeding before such Magistrate, but every Appeal under this Act shall be heard and decided on the merits only, and no such appeal shall be removed by Certiorari.

That the jurisdiction and authorities given by this Act to the Supreme Court of Judicature shall and may be exercised by the Chief Justice, or in his absence by any two of the Assistant Justices of the Court, and the sittings of the said Chief Justice or Assistant Justices shall be attended by the Secretary of the Court and the Provost Marshal, and any Constable or Crier the Court shall appoint.

That in all cases in which any particular number of days not expressed to be clear days is prescribed by this Act, the same shall be reckoned exclusively of the first day and inclusively of the last day, unless the last day shall happen to fall on Sunday, Christmas-day, Good Friday, or a day appointed for a Public Fast or Thanksgiving; in that case the time shall be reckoned, exclusive of Holydays.

That if the Appellant shall omit to take out and serve the Writ of Summons of Appeal within the time and in manner hereinbefore mentioned, then and in such case he shall lose the benefit of such Appeal and of this Act, and every such Order or Conviction appealed against shall forthwith become and be in full force and effect without any further Order by the Magistrate making the same, and be executed by such Magistrate making the same according to the tenour thereof; and for the information of such Magistrate the Secretary of the Supreme Court of Judicature shall certify under his hand that no Writ of Summons of Appeal hath issued at the instance of the Appellant in the case of the Order or Conviction appealed against, and shall deliver or transmit the same to such Magistrate immediately after the expiration of the time hereinbefore allowed for the issuing of such Writ of Summons of Appeal, whether such Certificate be applied for or not.

That if any Magistrate shall omit or neglect to do any act which he is charged or required to do by this Act, he shall forfeit and pay the sum of Five Pounds for every such omission or neglect, to be recovered in an action of debt in the Complaint Court by the party aggrieved, one half whereof shall be paid to the party suing for the same, and the other half to be paid into the Treasury for the public uses of this Island.

That all Forfeited Recognizances shall be returned to the Clerk of the Crown, who shall forthwith proceed to enforce the same in manner provided by the Summary Procedure Act, 1853.

That nothing herein contained shall be construed to authorize an

Appeal from any commitment for trial before the Court of Grand Sessions of the Peace.

Every person taking advantage of this Act shall pay the Fees according to the Schedule of Fees hereunto annexed, and it shall be lawful for any Officer or other person to refuse to do any act for which any Fee be demandable unless such Fee be first paid.

That the word "Magistrate," shall mean any Police Magistrate, Stipendiary Magistrate, or Justice of the Peace.

No. 133.
22nd August, 1857.

Commitments for Trial before Court or Grand Sessions.

CL. XVIII.
Fees to be paid previously to service performed.

CL. XIX.
Interpretation of the word "Magistrate."

SCHEDULE REFERRED TO IN THE ABOVE ACT.

FORM A.—Recognizance to appear before Supreme Court of Judicature, and to Prosecute Appeal.

BE IT REMEMBERED that on _____, the _____ day of _____, in the year of our Lord 18____, came personally before _____ the undersigned Justices of the Peace in and for the Government of St. Vincent and its Dependencies, at the _____ at _____ in the Island _____ within the said Government, *A. B.* of [*&c., name, address, and occupation of principal and securities*], and severally acknowledged themselves to owe to our Sovereign Lady the Queen, the several sums following:—the said *A. B.* the sum of _____ Pounds; the said *C. D.* the sum of _____ Pounds; and the said *E. F.* the sum of _____ Pounds, to be made and levied of their several and respective goods and chattels, lands and tenements, to the use of Her said Majesty, her heirs and successors, if default shall be made in the following conditions:—

WHEREAS by a certain Conviction under the hand and seal of Her Majesty's Justice of the Peace within the Government aforesaid, the said *A. B.* is convicted, for that the said *A. B.*, on *&c.*, [*state the offence*]; And whereas the said *A. B.* hath given notice unto _____ of an intention to appeal against the said Conviction to the Supreme Court of Judicature according to the form of the Act in such case made and provided.

The Condition of the above Recognizance is such that if the above-named *A. B.* shall and do prosecute such Appeal with effect, in manner required by Law, and shall and do abide the Judgment of the Supreme Court of Judicature thereupon, and pay such costs as shall be by the said Court awarded, then the Recognizance to be void.

Taken and acknowledged before me.

FORM B.—Writ of Appeal.

ST. VINCENT.—To Wit.

VICTORIA, &c.

To

WE command you (and each of you) that you be and appear before our Justices of the Supreme Court of Judicature, in our Supreme Court of Judicature, at a sitting of the said Court to be holden at the Court House in the Town of Kingston within the Island aforesaid, on _____ the _____ day of _____, then and there to hear Judgment in a certain Appeal, wherein _____ is Appellant and you, the said _____ are the Respondent, and not to depart the said Court without the leave of the said Court.

Witness, &c.

Passed the Secretary's Office.

FORM C.—Certificate of Judgment of Court of Appeal.

WHEREAS *A. B.*, late *&c.* [*name, occupation, and late residence of prisoner*], was, on the _____ day of _____, in the year of our Lord 18____, convicted before _____ Justice of the Peace, for that, *&c.* [*state the offence and conviction*]; and did, on the _____ day of _____ give Notice of Appeal to the said Justice against such Conviction to the Supreme Court of Judicature, according, *&c.*: And whereas the said Appeal came on to be heard and adjudged upon, at a sitting of the said Court, on _____ the _____ day of _____, 18____, before his Honour _____ the Chief Justice of the said Court [*or the Honourables, &c., as the case may be*], and was continued, by adjournment, to

This is to certify that the said [*as above*] did order and adjudge that, *&c.*

374 *The C. Justice to be Vice-Chancellor, and Assessor to the Ordinary.*

No 133.
22nd August, 1857.

<i>Fees to be taken under the Act aforesaid.</i>		
WRIT OF SUMMONS.		s. d.
Judge	.	5 0
Secretary	.	3 6
Marshal for service, if made by him	.	5 0
CERTIFICATE.		
Secretary, and filing	.	2 0
SUBPOENA.		
Judge	.	3 0
Secretary, four names	.	3 0
Each additional	.	0 4
Marshal for attendance in Court	.	2 0

Provost Marshal, if called on to serve any Subpoena, he shall be entitled to demand and receive, for every Witness subpoenaed, the sum of Sixpence per mile going and coming; if on board ship double the above Fees. For service of Process in the Grenadines, in addition to the foregoing Fees, all actual outlay to be reimbursed to the Provost Marshal.

No. 134.

An Act for appointing the Chief Justice Vice-Chancellor, and for improving the Administration of Justice in the Courts of Chancery and Ordinary.
[22nd August, 1857.]

23 May 1856
23 July —

CL. I.
The Chief Justice to be Vice-Chancellor.

CL. II.
Vice-Chancellor to sit at Chambers for Despatch of Business, included in any General Order.

And while sitting in Chambers shall have same jurisdiction as in Open Court, and all Orders made by him shall have the force of Orders of the Court of Chancery, and shall be drawn by the Registrar.

CL. III.
Vice-Chancellor may adjourn any matter from Open Court to Chambers, and from Chambers to Open Court for consideration.

CL. IV.
Vice-Chancellor may make alterations in the Process, Pleading, Practice, and Proceedings of the Court.

And Rules in respect of the same, and as to the taxation, allowance, and payment of costs.

BE IT AND IT IS HEREBY ENACTED by the Governor, the Council, and Assembly of the Island of St. Vincent and its Dependencies, as follows:—

The Chief Justice of the Island of St. Vincent shall be Vice-Chancellor of the said Island, and, as such Vice-Chancellor, shall have and exercise such Equity Jurisdiction within this Colony as the Chancellor thereof now has and may exercise and perform.

The Vice-Chancellor shall sit at Chambers for the dispatch of such part of the business of the Court of Chancery as can, without detriment to the public advantage, arising from the discussion of questions in open Court, be heard at Chambers, and which shall have been included in any General Order from time to time made by him: And such Vice-Chancellor, while sitting in Chambers, shall have the same power and jurisdiction in respect of the matters and business to be brought before him as if he were sitting in Open Court; and all Orders made by him at Chambers shall have the force and effect of Orders of the Court of Chancery, and in every respect be dealt with and treated as such, and shall be drawn up by the Registrar in Chancery in like manner as Orders of the said Court of Chancery are now drawn.

It shall be lawful for the Vice-Chancellor when sitting in Open Court to adjourn for consideration in Chambers any matter which in his opinion may be more conveniently disposed of in Chambers, or, when sitting in Chambers, to direct any matter to be heard in Open Court, which he may think ought to be so heard.

It shall be lawful for the Vice-Chancellor from time to time to make such alterations as to him may seem expedient in the form of Writs and Commissions, and the mode of sealing, issuing, executing, and returning the same, and also in the form and mode of filing bills, answers, depositions, affidavits, and other proceedings, and in the form and mode of obtaining discovery by answer in writing or otherwise, and in the form and mode of pleading, and in the form and mode of taking or obtaining evidence, and generally in the form and mode of proceeding to obtain relief, and in the general practice of the Court in relation thereto; and also in the form and mode of proceeding at Chambers, and in the form and mode of drawing up, entering, and enrolling orders and other proceedings, and generally in the pleadings, practice, proceedings, and processes of the Court; and to make such Rules and Regulations in respect of the same, and as to the taxation, allowance, and payment of costs to Counsel and Solicitors, and for altering, superintending, controlling, and regulating the business of the several Offices

of the Court, or otherwise for carrying into effect the said alterations, as to him may seem meet: and all such alterations, rules, and regulations, and every General Order of the Vice-Chancellor, to be made under this Act, shall, before the same shall take effect, be approved and confirmed by the Chancellor in writing under his hand and signature.

All Rules, Orders, and Regulations to be made under this Act shall for all purposes, when approved and confirmed by the Chancellor, be deemed and taken to be the general Rules and Orders of the Court of Chancery of St. Vincent.

~~No new appointment of Master in Chancery shall be made after the publication of this Act; and in every case in which any existing Master in Chancery to whom, in due rotation, any matter or suit ought to be referred, or whose turn it shall be to have such matter or suit referred, shall be incapable or decline to take the same, and in every case of death or resignation of a Master in Chancery the duties of such Master shall devolve upon the Vice-Chancellor; and when all the existing Masters in Chancery shall have died or resigned the Office of Master in Chancery shall thereupon cease, determine, and be altogether abolished; and all matters and business theretofore done and performed by the Masters of the Court of Chancery shall therefore be done and performed by the said Vice-Chancellor: and it shall be lawful for the Vice-Chancellor, and he is hereby required, to sit at Chambers for the disposal of all such business, and of such like business as in the meantime, on the incapacity, refusal, resignation, or death of any Master in Chancery shall, under the provisions of this Act, have devolved upon the said Vice-Chancellor.~~

It shall be lawful for the Court of Chancery or the Judge thereof, in any cause or matter depending in the said Court involving matter of account, and which shall not have been referred to any Master in Chancery at the instance of any party concerned therein, or at the option or discretion of the Judge himself, to refer such account to an Accountant, to be named by the Court or Judge with such directions as to the Court or Judge shall seem fit, and the report of the Accountant thereon shall be confirmed or otherwise dealt with as to the Court or Judge may seem proper; and the costs incurred by the reference to such Accountant shall be costs in the cause, or shall be paid by such party as the Court or Judge may order.

The Registrar in Chancery shall, by himself or his Chief Clerk, attend the Vice-Chancellor in Open Court and at Chambers whenever required by him, and shall render like assistance to him in the general business of the Court as to the Chancellor, and shall be the Taxing Officer of the said Court.

It shall be lawful for the Governor of this Colony as Ordinary of the Island of St. Vincent and its Dependencies, in all matters, suits, and proceedings which shall or may be brought before him as Judge of the Court of Ordinary, and in which he may wish to have the assistance and opinion of the Vice-Chancellor, to refer the same to such Vice-Chancellor, who shall thereupon inquire into, examine, and report upon the same; and for such purpose the Vice-Chancellor shall have and exercise the same powers, authority, and jurisdiction as the Governor now has and may exercise as Ordinary, and shall transmit his said Report to the Governor as Ordinary of the said Island, who may refer the same and the matters therein reported upon back again to the Vice-Chancellor for further inquiry, examination, and report; and the Governor, as such Ordinary, may inquire and examine further into the said matters, suit, and proceedings, and may alter, vary, or amend the said Report, and confirm the same in the whole or in part, and make such Order or Decree thereon, or in the said matters, suit, and proceedings, as may seem to him just and proper; and every such Order or Decree shall have the same force and effect as though the said matters, suit, and proceedings had been inquired into and examined by the Governor himself as Ordinary of the said Island; and the Registrar in Ordinary shall by himself or his Chief Clerk attend and render every assistance to the Vice-Chancellor in every such inquiry and examination, whenever called upon by him for that purpose.

No. 134.
22nd August, 1857.

And all such Rules, and every General Order of the Vice-Chancellor, shall be confirmed by the Chancellor, before they shall take effect.

CL. V.
All Rules and Orders to be made shall, when confirmed, be deemed General Rules and Orders of the Court of Chancery.

CL. VI.
No new appointment of Masters to be made, and in every case of incapacity or refusal of any Master to take any matter referred to him, and in every case of death or resignation, the duties to devolve on the Vice-Chancellor, and when all the Masters shall have died or resigned, the office of Masters shall cease.

CL. VII.
Court or Judge may refer to an Accountant matters of account connected with any suit not referred to a Master.

CL. VIII.
Registrar in Chancery or his Chief Clerk to attend Vice-Chancellor in Open Court and at Chambers.

CL. IX.
The Governor as Ordinary may refer any matter in Ordinary to the Vice-Chancellor.

Who shall inquire into and report upon the same, and for such purpose shall have the same jurisdiction as the Governor in Ordinary.

And the Governor as Ordinary may refer the same back to be further inquired into, and may alter or amend and confirm the said Report, in the whole or in part, and make Order in the matter; and every such Order shall have the same force as though the matters had been inquired into by the Governor as Ordinary.

The Registrar in Ordinary, or his Chief Clerk, shall attend the Vice-Chancellor at such inquiries.

376 *Commissioners appointed to raise Money for Immigration Purposes.*

No. 134.
22nd August, 1857.

CL. X.
Short Title of Act.
CL. XI.
Act to come into operation on publication.

In citing this Act in any other Act of the Legislature, and in all legal instruments, it shall be enough to use the expression, "The Vice "Chancellor's Act, 1857."

This Act shall come into operation on and from the day of the publication thereof.

No. 135.

An Act to authorize the Raising of Loans of Money for Immigration Purposes, and to secure and provide for the Repayment of such Loans.
[16th October, 1857.]

Preamble.

CL. I.
Appointment of Commissioners for the purposes of this Act.

CL. II.
Commissioners authorized to effect Loans for Immigration purposes.

CL. III.
Commissioners not personally liable under any Agreement entered into by them under this Act.

CL. IV.
Forging Note, Bill, &c., Forgery.

CL. V.
Amount of Loans a charge on the Public Revenue, subject to

WHEREAS it is necessary to raise sums of Money by Loan for Immigration purposes; *Be it therefore enacted* by the Governor, Council, and Assembly of the Government of the Island of St. Vincent and its Dependencias, That the President of Council and the Speaker of Assembly for the time being, and the Treasurer of the said Island, are hereby constituted Commissioners for the purposes of this Act, with such powers as hereinafter declared.

That the said Commissioners shall and may, and they are hereby authorized from and after the passing of this Act to effect Loans from time time as may be required for Immigration Purposes, by and on behalf of the Government of this Colony, to an extent not exceeding Seven Thousand Pounds, either with the Colonial Bank or any other Corporation or Company, person or persons willing to advance the same, on such terms as may be mutually agreed to, and as may in the judgment of the said Commissioners be most for the advantage of this Colony; and for such purpose the said Commissioners are hereby authorized and empowered from time to time to make, sign, and execute in their capacity as Commissioners under this Act and for and in behalf of the Government of this Colony, all or any such Agreement or Agreements, Promissory Note or Notes, Bill or Bills of Exchange, Acceptance or Acceptances, or other obligation or obligations in writing as shall be required and necessary to effectuate the purposes and objects of this Act, and to effect such Loans as aforesaid, and for securing the repayment of the same with interest or discount thereon at such rates as may be agreed and fixed upon.

That the said Commissioners shall not, by reason of their entering into or signing any Agreement or Agreements for any Loan or Loans on behalf of the said Government under this Act, or by reason of their signing or making any Promissory Note or Notes, Bill or Bills of Exchange, Acceptance or Acceptances, or other Obligations, under the authority of this Act, incur any personal liability or be liable to be sued in respect of the same, but that the same shall be taken to be made on behalf of the said Government, and shall be binding and obligatory on the said Government, and shall be met and provided for in manner hereinafter particularly mentioned.

That if any person shall forge or counterfeit any Promissory Note, Bill of Exchange, Acceptance, or other Obligation or Instrument, made, executed, issued, or given under the authority of this Act, or shall present for payment, or dispose of; or pass off, sell, or negotiate any such forged or counterfeit Note, Bill, Acceptance, or other Obligation or Instrument, knowing the same to be forged or counterfeit; or shall forge or counterfeit the signatures of the said Commissioners, or of any or either of them, and set and affix the same to any Agreement, Note, Bill, Acceptance, Obligation, or Instrument authorized, or purporting to be authorized, to be entered into, or executed, or given under this Act; or shall aid, assist, or abet any person in the commission of any such Offence as aforesaid; every such person shall be deemed guilty of Felony, and shall on conviction be liable to be imprisoned with hard labour for any period not exceeding three years; and if a male to be once, twice, or thrice publicly whipped.

And in order to make provision for the paying of the Loan or Loans effected by the said Commissioners under the authority of this Act, and for securing the amount of the same, *Be it enacted*, That all Public Moneys to

Commissioners appointed to raise Money for Immigration Purposes. 377

be hereafter received by the Treasurer of this Colony under any Acts of the same, are hereby declared to be applicable to the repayment of the said Loan or Loans, (subject always to any moneys which may become due and payable therefrom under "The Loan Act, 1856,") if the same shall not be liquidated by and out of the special fund provided for that purpose, as hereinafter mentioned, and the whole revenue of this Government is hereby declared to be charged and it is hereby made chargeable with the payment of the said Loans, with the interest or discount thereon, in preference and in priority to any other claim or demand whatsoever, save and except and subject always to any moneys which may from time to time be payable thereout under and by virtue of the said "Loan Act, 1856:" *Provided always*, That the Funds raised, collected, and received under Acts of the said Government to be respectively cited as "The Additional Export Tax Act, 1857," and "The Immigration Fund Act, 1857," and any balance which shall remain of the moneys raised, collected, and received by the Treasurer of this Colony, under "The Income Tax Act, 1856," and "The Export Tax Act, 1856," after satisfying the amounts payable under the provisions of the said "Loan Act, 1856," shall in the first place be made applicable and be applied to the repayment of the Loans to be effected under this Act with the interest or discount thereon: *And provided always*, That if any sum of money shall be paid from and out of the General Revenue as aforesaid for or towards the repayment of any Loan effected under the provisions of this Act, then such sum shall be repaid from and out of the proceeds of the said additional "Export Tax Act, 1857," and the "Immigration Fund Act, 1857," before any fresh Loan shall be contracted by the Commissioners appointed under this Act.

That the Moneys raised under this Act shall be paid by the said Commissioners into the Public Treasury, and shall be placed by the Treasurer of this Colony to a separate account, to be called "The Immigration Fund Account."

That this Act may for any purposes be cited as "The Immigration Loan Act, 1857."

No. 135.
16th October, 1857.

the provisions of the "Loan Act, 1856," but to be paid in the first place out of the "Additional Tax Act, 1857," and the "Immigration Fund Act, 1857," and the "Unexpended Balance of the Income Tax Act, 1856," and the "Export Tax Act, 1856."

CL. VI.
Moneys to be paid into Treasury and placed to a separate account to be called "Immigration Fund Account."

CL. VII.
Short title of Act.

No. 136.

An Act to provide a Salary for the Gaol Surgeon.

[16th October, 1857.]

WHEREAS by an Act, intituled "An Act for providing Salaries for the Keepers and Officers in the Gaol in Kingstown," a Salary was provided for a Surgeon of the said Gaol, and by a certain other Act passed on the sixth day of November, one thousand eight hundred and fifty-six, repealing the said first-mentioned Act, and intituled "An Act for providing Salaries for the Keeper and Officers of the Gaol in Kingstown, and to make other provisions in lieu thereof;" no provision was made for the payment of any Salary to the Gaol Surgeon, but the Salary theretofore paid to the Gaol Surgeon under the said repealed Act hath since the repeal of the said Act been duly and regularly paid to such Officer under the impression that the same was still legally payable; *And whereas* it is desirable that the payments so made should be sanctioned by an Act of the Legislature, and that a Salary should be provided for the Gaol Surgeon: *Be it therefore enacted* by the Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, and it is hereby enacted by the authority of the same, that the person now acting as and holding the appointment of Gaol Surgeon, or any person who may hereafter be appointed Gaol Surgeon, shall receive a salary at the rate of Fifty Pounds sterling per annum, as heretofore, payable quarterly, and that all payments heretofore made to the Gaol Surgeon on account of Salary since the repeal of the said first recited Act, intituled "An Act for providing Salaries for the Keeper and Officers of the Gaol in Kingstown," shall be and the same are hereby declared legal and valid, and as though the Salary provided for the Gaol Surgeon under the said last-mentioned Act had never been repealed.

Preamble.

Enacts, That Gaol Surgeon shall receive a salary of 50l. sterling per annum:

and that all payments made to Gaol Surgeon for salary since the passing of "The Gaol Salaries Act, 1856," shall be valid.

No. 137.

An Act to continue "The Magistrates' Salary Act, 1853," and "The Amended Magistrates' Salary Act, 1854." [16th October, 1857.]

Preamble.

That "The Police Magistrates Act, 1853," and "The Amended Police Magistrates Act, 1854," shall continue in force from 1st January, 1853, for five years.

WHEREAS an Act was passed on the twenty-fourth day of December, one thousand eight hundred and fifty-three, intituled "An Act to grant Salaries to Police Magistrates and the expenditure necessary for the performance of their duties;" and another Act was passed on the ninth day of December, one thousand eight hundred and fifty-four, intituled "An Act to amend the Magistrates' Salary Act, 1853;" and the said two Acts were to continue in force until the first day of January, one thousand eight hundred and fifty-eight; And whereas it is deemed expedient to continue the said two Acts for a further period, *Be it therefore enacted* by the Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, that the said two Acts respectively, intituled "An Act to grant Salaries to Police Magistrates" and the Expenditure necessary for the performance of their Duties," and "An Act to amend the Magistrates' Salary Act, 1853," shall be and the same are hereby respectively declared to be and continue in force and operation in all their enactments on and from the first day of January, one thousand eight hundred and fifty-eight, for the space of five years.

No. 138.

An Act to Repeal the Sixth and Eighth Clauses of "The Police Act, 1853," and to make other Provisions in lieu thereof. [16th October, 1857.]

Preamble.

Enacting Clause.

CL. I.
Repeals the 6th and 8th Clauses of "The Police Act, 1853,"

CL. II.
Defines the several Police Districts of the Government.

CL. III.
Days, hours, and places of sitting of the Magistrates in their respective Districts.

WHEREAS it is deemed expedient to alter the boundaries of the several Police Districts of this Island as defined in and by the Sixth Clause of "The Police Act, 1853," and the places and days of sitting of the respective Police Magistrates as set forth in the Eighth Clause of the said Act; *Be it therefore enacted* by the Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies:—

That the sixth and eighth clauses of the Act of this Colony passed on the twenty-fourth day of December, one thousand eight hundred and fifty-three, and intituled "An Act for the appointment of Police Magistrates and for the permanent establishment of a Police Force," shall be and the same respectively are hereby repealed.

That the Kingstown Police District shall comprise all that part of the Parish of St. George lying between the right bank of the Warrawarou River and the boundary of the Parish of St. Andrew, and the whole of the parish of St. Andrew; the Calliaqua Police District shall comprise all the remaining portion of the said Parish of St. George and that portion of the Parish of Charlotte lying between the Yambou River and the river commonly known as Massey's River and a line running due east and west from the head of the same river; the Windward Police District shall comprise all the remaining portion of the Parish of Charlotte; the Leeward Police District shall comprise the Parishes of St. Patrick and St. David; and the Grenadines Police District shall include the Island of Bequia and all other the Islands commonly called the Grenadines within the said Government.

That the Magistrate for the Kingstown Police District shall sit three days at least in Kingstown and one day in the Buccament Valley, in every week, to hear, try, and determine all Informations or Complaints laid or Charges made before him; and the Magistrate for the Calliaqua District shall sit one day in the Town of Calliaqua and one day in the Marriauqua Valley in every week for the like purposes; and the Magistrate for the Windward Police District shall sit two days at least in George Town and one day at Colonarie in every week for the like purposes; and the Magistrate for the Leeward Police District shall sit one day at Layou, one day at Barrowallie, and one day at Chateaubellair in every week, for the like pur-

poses ; and the Magistrate for the Grenadine Police District shall sit for the like purposes on such days and at such hours, at Admiralty Bay in the said Island of Bequia or elsewhere, as the public business may require or the Governor may appoint, and one day in every three months in each of the other Islands within the said Grenadine Police District commonly called the Grenadines and within the said Government, and likewise whenever he shall be sent for and a proper conveyance be provided for him : That the Magistrates of the several Police Districts of this Island shall for the purposes for which they are appointed as aforesaid sit from the hour of ten o'clock in the morning until the hour of three of the clock in the afternoon on such days in every week and at such places within their respective Districts as the Governor in Council shall from time to time by proclamation in the Official or Government Gazette appoint, and for such further time and on such other days as the public business may require ; *Provided always*, That the said Magistrates shall not sit nor shall they hear, try, or determine any Information, Charge, or Complaint, on any Sunday, Christmas-day, Good Friday, or any day appointed for a Public Fast or Thanksgiving ; and the Magistrate of the Kingstown Police District shall reside within one mile of the Town of Kingstown and the other Magistrates shall reside within their respective districts.

That the Police Magistrates aforesaid shall in their respective districts act as, and perform the duties attached to the office of Coroner, and shall respectively receive for every Inquest a fee of Two Pounds sterling from the Public Treasurer.

That this Act be construed and taken together with "The Police Act, 1853," as one Act.

That this Act shall come into operation on and from the first day of January, in the year of our Lord one thousand eight hundred and fifty-eight.

That in citing this Act in any other Act or in any document or proceeding whatever it shall be sufficient to say "The Amended Police Act, 1857."

No. 138.
16th October, 1857.

Where the Magistrates are respectively to reside.

CL. IV.
The Magistrates to act as Coroners in their respective Districts.

CL. V.
Act to be construed with "The Police Act, 1853," as one Act.

CL. VI.
Act to come into operation on 1st January, 1858.

CL. VII.
Short title of Act.

No. 139.

An Act to alter the Law of Contracts with regard to Immigrants, and for the Encouragement of Immigration, and for the general Regulation of Immigrants. [16th October, 1857.]

WHEREAS certain persons have been appointed Agents by Her Majesty to superintend the Emigration of Labourers from certain places to Her Majesty's Colonies in the West Indies ; *Be it enacted* by the Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, and it is hereby enacted by the authority of the same, as follows :—

The Governor may from time to time pay a part of the salary or remuneration granted by Her Majesty to each of such Agents as are or may be hereafter so appointed, in proportion to the number of Emigrants that may be sent to this Colony and its Dependencies.

The Governor may pay the amount of every moderate and necessary expense incurred, at any port or place where any such Agent is appointed for the collection of Emigrants, in conveying Emigrants to the port of embarkation, in maintaining them there for a period not exceeding fifteen days, and in providing them with such supply of clothing as may be requisite for their voyage to this Colony, upon the receipt from such Agent of an account thereof, duly vouched, showing the particulars of such expenditure, countersigned by the Governor of such place, or by such Officer as he may appoint if the same be a British possession, or by Her Majesty's Consul at any foreign port or place, such Governor, Officer, or Consul, as the case may be, certifying thereby, so far as he knows, that such expenditure has been solely incurred for the purposes aforesaid or for any such purposes, and is just and reasonable ; and may likewise pay the amount of any expenditure incurred by

CL. I.
Payment of Agents.

CL. II.
Payment of Expenses incurred.

No. 139.
16th October, 1857.

Her Majesty's Government, or by Commissioners appointed by Her Majesty's Government at the request of the Governor and Council, in the hiring, employing, and licensing of any vessel for bringing or sending Emigrants to this Colony from the East Indies or from China, and in providing for the maintenance and clothing of such Emigrants during their passage or otherwise, in employing on board any such vessel a Surgeon, and such other just expenditure as shall be caused by and be necessarily incidental to such Emigration to this Colony, and all just expenses caused by and necessarily incidental to sending back any Immigrants from the East Indies, at the expiration of their stipulated term of residence, to the place from whence they shall have been brought or sent into this Colony.

CL. III.
Government to name places for Emigration on bounty, and fix rate and number of weeks allowed for passage.

The Governor in Council may from time to time by Proclamation name the ports or places from which Emigration on bounty is permitted to this Colony, and may fix such rate of bounty as to him shall seem just for indemnifying the person at whose charge any Immigrant may be introduced into this Colony for the expense of his maintenance and passage from the port of embarkation, and shall in his Proclamation to be issued for that purpose declare the number of weeks deemed necessary for the voyage of any such ship or vessel from such respective ports or places to this Colony: *Provided always*, That no rate of bounty shall be fixed and that no bounty shall be allowed for the importation of any Immigrant who may be incompetent or unwilling to engage in agricultural labour, or for any Immigrant above the age of forty years, unless in either case such Immigrant shall be one of a family of Immigrants arriving in the same vessel; and provided that bounty or passage money shall not be paid for any greater number of Immigrants imported by any one vessel from the Island of Madeira, from any of the Azores, Cape de Verdes, or Canary Islands, and other places of similar distance, than at the rate of one Immigrant for each ton of the measurement of said vessel.

Limitation of Bounty.

CL. IV.
Rates payable to private Importer.

Any person who having first obtained a Licence to that effect from the Governor in Council, which Licence the Governor in Council shall grant or refuse at discretion, shall introduce at his own expense Immigrants under written contract with them for service upon his own Plantation, shall be entitled to receive from the Immigration funds one-half of the rate of bounty which would have been payable under any such Proclamation as aforesaid for each such Immigrant, if introduced at the public expense; *Provided*, That the person applying for such Licence as aforesaid shall give to the Governor in Council such security as he may require for the carrying out the object of such Licence, and that the number of such Immigrants paid for shall not exceed the number stated in the Licence to be granted to such person as aforesaid.

CL. V.
Appointment of Immigration Agent.

The Governor to nominate and appoint a fit and proper person, to be styled "The Immigration Agent," and any such person from time to time to remove and appoint another in his place.

CL. VI.
Agent to keep Office in Town, and to receive a Salary of 100*l*.

That such Agent shall keep an Office in the Town of Kingstown, and there shall be paid to him from the Colonial Treasury the sum of One Hundred Pounds by quarterly payments out of any money raised for Immigration purposes on the Warrant of the Governor, and Ten Pounds per annum for office rent; *Provided*, That such Agent shall not be entitled to nor receive any part of such salary until the arrival in this Colony of Immigrants to be introduced subject to the provisions of this Act.

CL. VII.
Proceedings on arrival of Vessel with Immigrants.

Upon the arrival of any vessel having Immigrants on board the Immigration Agent, accompanied by the Health Officer of the Port, shall forthwith proceed on board of such vessel, and the two shall ascertain by personal inspection of the vessel and Immigrants whether the provisions of the Imperial Passenger Act for the time being, so far as they may be applicable, have been complied with or not; and such Immigration Agent and Health Officer shall personally muster such Immigrants and compare the number and names of such Immigrants with the duplicate List, if any, furnished to the Master by the Agent at the port of embarkation, which he shall require such master to produce and deliver to him, and shall certify upon such duplicate List the name of the vessel, the total number of Immigrants then living and on board such vessel, together with the state or condition of such Immigrant, his fit-

ness for agricultural labour, and at whose cost and charges he is imported ; and in case any Immigrant shall have died during the passage, or the number or names of the Immigrants shall differ from the number and names of the Immigrants stated in such duplicate List, the Immigration Agent shall note such death or difference upon such duplicate List, and thereupon, with the approbation of the Governor, shall grant a Licence for the disembarkation and landing of the Immigrants from such vessel.

If the Immigration Agent, with the assistance of the Health Officer of the Port, on personal inspection of the vessel and Immigrants shall be satisfied that the provisions of the Imperial Passengers Act for the time being, in so far as they apply, have been fully complied with, he shall transmit to the Governor a Certificate in the Form annexed, marked A, stating in the same the date of arrival in this Colony of such Immigrants, and the place from whence and the vessel in which such Immigrants shall have arrived, and the sum of money payable in respect of such Immigrants, and thereupon the Governor shall issue his Warrant to the Public Treasurer to pay the same : *Provided*, That bounty or passage money shall be paid only for such Immigrants as are landed alive in this Colony.

If any Immigrants shall not on their arrival be immediately provided with employment, it shall be the duty of the Immigration Agent, with the approval of the Governor, to provide such Immigrants with wholesome and sufficient food and with convenient lodging on shore until the means of earning their own subsistence can be procured for them ; and the Immigration Agent shall deliver to the Governor an account, supported by all necessary vouchers, of the expenditure incurred by him in procuring such food and lodgings, and if such account be approved of by the Governor the same shall be paid.

The Immigration Agent shall keep separate Registers of all Immigrants introduced into this Colony, that is to say : firstly, a Register of Immigrants from any of Her Majesty's dominions in the East Indies, or from the possessions of the East India Company ; secondly, a Register of Indentured Africans ; thirdly, a Register of Portuguese Immigrants ; fourthly, a Register of Chinese Immigrants ; and fifthly, a Register of all other Immigrants not coming under the denomination of any of the Immigrants mentioned in any of the aforesaid classes ; and shall, in each of such Registers, insert the name of each Immigrant thereto belonging, and the number attached to his name in the List delivered by the Master of the ship in which he shall be imported, and shall number each of the Immigrants of each class by a particular number, proceeding in regular order with the other numbers, so that no two Immigrants of the same class shall bear the same number ; and shall also insert in each of such Registers, under different heads, the number, name, age, sex, size, birth-place, and any distinguishing mark of every Immigrant belonging to such class, and the name, if such can be ascertained, of the parents of such Immigrant, the time when, the place from whence, and the name of the party, if any, at whose cost and charges such Immigrant may be imported, and the name of the vessel in which such Immigrant shall have arrived, together with the cost of the passage of such Immigrant, and whether such Immigrant will or will not be entitled to a return passage, and of the amount of money which may have been advanced to such Immigrant previous to his arrival in the Colony, and which is to be repaid by him out of his wages.

Any Employer who may be desirous of locating Immigrants on his Plantation under the provisions of this Act shall make application to the Immigration Agent, fully setting forth in writing the situation of such Plantation, the name of the Proprietor thereof, the number and description of the Immigrants required, the nature of the labour to be performed, and all other particulars ; and no such application shall be received unless such Employer shall also satisfy the Immigration Agent that comfortable and sufficient accommodation, *[with]* a suitable hospital and medical attendance according to Law have been or will be duly provided for such Immigrants, and the Immigration Agent shall make and keep in his Office a true and faithful Register of all such applications, numbering them in the order in which they shall be

No. 133.
16th October, 1857. -

CL. VIII.
Bounty or Passage
Money to be paid on
Certificate.

Schedule A.

CL. IX.
Agent to provide for
unemployed Immigrants.

CL. X.
Registers of Immigrants to be kept.

CL. XI.
Application by employer requiring Immigrants.

No. 139.
16th October, 1857.

CL. XII.
Contracts made with
Indian and African
Immigrants out of
Colony, when binding.

CL. XIII.—XVI.
[Repealed.]

CL. XVII.
Naturalization of
Aliens of African de-
scent.

CL. XVIII.
Classification of Libe-
rated Africans.

CL. XIX.
Contract with Libe-
rated Africans of the
second class,
Schedule C.

CL. XX.
Recovery of Advances
to Chinese Immi-
grants.

CL. XXI.
Location of Immi-
grants.

Schedules B and C.

respectively received, such numbering, however, not to give any right of preference to any person or plantation over any other person or plantation, and every such application shall remain good and valid until the number of Immigrants applied for shall be allotted, or unless such application be withdrawn by the applicant or be rendered invalid by the death, insolvency, or absence unrepresented of the party making the same.

Unless by permission of Her Majesty's Government previously had and obtained, no contract entered into by any employer with any Immigrant from any part of India, or from any part of the African Continent, or from the Island of Madagascar, or from any other Island adjacent to the coast of the African Continent and inhabited by the negro race, shall be valid, unless the same shall have been made within this Colony.

* * * * *

Every Immigrant of African descent, not being a British subject, who shall come for the purpose of settling within this Colony from any part of the United States or of the British Provinces of North America, and who shall have entered or shall enter into contract as aforesaid, shall after three years' residence in this Colony, and on taking the Oath of Allegiance to Her Majesty before the Governor in the presence of the Secretary of the Colony, be entitled, within this Colony, to all the privileges of a natural-born British subject, and such Secretary shall enter in a Register to be kept in his Office the name, sex, and age of every such Immigrant taking the said Oath, and the day when, and the vessel in which such Immigrant shall have arrived, and the party with whom such Immigrant shall have entered into contract as aforesaid; and such Register or an extract therefrom, certified by such Secretary, shall upon proof of the identity of such Immigrant be sufficient evidence of the right of such Immigrant to the privileges aforesaid.

All Liberated Africans who may be hereafter sent to this Colony at the expense of Her Majesty's Treasury shall be divided into two classes, the first class of whom shall comprise all those who, upon the inspection of the Immigration Agent and the Health Officer, shall be considered to be of the age of fifteen years and upwards; and the second class of whom shall comprise all those who upon such inspection as aforesaid shall be considered to be under the age of fifteen years.

All Liberated Africans of the second class shall be indentured until they shall have attained the age of eighteen years, in the Form annexed marked C, or in such other form as may be approved by the Governor.

Any person to whom any Chinese Immigrants shall be allotted, for whose introduction bounty may be claimed, and who shall previously to their embarkation have entered into a contract engaging them to repay advances made to them by monthly deductions from their wages, shall pay to the party with whom such contract shall have been made the amount of such advances, provided the same shall not exceed Two Pounds Ten Shillings for each Immigrant, and such first-mentioned person shall be authorized to recover such amount by monthly deductions from the wages earned by such Immigrants in the proportion of not more than Four Shillings and Two Pence per month.

On the arrival in this Colony of any Immigrants, not already under a contract with some individual, the Immigration Agent shall, with the approval of the Governor, proceed to locate them on such plantations as they may prefer, or, if they do not desire to exercise any preference, shall locate them, in such numbers and proportions as circumstances will admit of, on those plantations for which applications for Immigrants shall have been previously made; and each Employer, before he shall become entitled to the services of such Immigrant, shall enter into a contract, according to the Form annexed, marked B or C, with such Immigrant, or with the Immigration Agent in his behalf as the nature of the case may require, for such period as any such Immigrant is, by any of the preceding sections of this Act, required to be indentured upon arrival, which said contract shall be in triplicate, and shall be prepared by the Immigration Agent, and for preparing

which such Immigration Agent shall be entitled to the sum of One Shilling, and no more, for each such contract in triplicate as aforesaid, to be paid by the party to whom the Immigrants are to be allowed; and one copy of such contract shall be delivered to the Immigrant, another to the employer, and the third shall be forwarded to the Police Magistrate for the District, or, if there be no Police Magistrate, to the presiding Justice for the District: *Provided*, That it shall not be lawful for the said Immigration Agent, in locating such Immigrants as aforesaid, to separate husbands from wives, nor children under fifteen years of age from their parents or natural protectors: *And provided further*, That no Immigrants shall be allotted to any Employer who is in arrear in the payment of any sum due to the Colony for or on account of Immigrants previously allotted to such employer.

The Immigration Agent shall, whenever he allots Immigrants, transmit forthwith to the Colonial Secretary a List of the Estates to which such Immigrants have been allotted, stating the number and description of Immigrants allotted to each, and the amounts paid by such Estates respectively for such Immigrants.

The Immigration Agent shall, as soon as possible after the first day of January in each and every year, publish in the Official Gazette of the Colony a List, in the Form annexed, marked D, or in such other form as may be approved of by the Governor, of all vessels which have arrived in the Colony with Immigrants during the year preceding, the number of Immigrants so arrived, and the distribution of such Immigrants.

The Manager or persons in charge of any Plantation or Estate upon which any Chinese, Indian, or African Immigrants shall be employed, whether under contract or indenture, or under monthly contracts as herein-after provided, shall, for each and every month that such Immigrants shall continue to be so employed, keep a Muster Roll of such Immigrants in the Form annexed, marked E, and it shall be the duty of such Manager or person in charge, and he is hereby required to direct all such Immigrants to attend each day, at such convenient time or times and at such convenient place or places on the plantation or estate as may by him be assigned for that purpose; and such Manager or person in charge shall then and there, either personally or by means of some persons deputed by him, call over the names of all such Immigrants, and note upon the Muster Roll whether they or any of them are present or absent, and such Muster Roll shall daily be signed by the person by whom the names shall have been so called over, and shall be carefully preserved by the Manager or person in charge of the plantation or estate for the purposes of this Act; and any Manager or person in charge of any plantation or estate who shall fail to comply with the provisions of this section, or shall make any false entry in the Muster Roll to be by him kept, shall be liable, on conviction, to a penalty not exceeding Four Pounds for every such offence, and in default of payment to imprisonment not exceeding five days.

If any Employer shall terminate any Contract or Agreement made with any Immigrant under the provisions of the preceding section, except with the consent of such Immigrant, or by giving notice or *paying wages* [?], or for misconduct, as therein provided, such employer shall forfeit and pay to the use of the Immigrant a sum equal to one month's wages, according to the rate of wages which may have been fixed by and between the parties, or if the rate of wages shall not have been so fixed, then such sum as the presiding Magistrate or Justice may consider fair and reasonable as and for a month's wages, in addition to the wages due to the Immigrant at the time of the termination of such Contract.

On any Complaint made by any Employer against any Immigrant for refusing or wilfully neglecting to perform any verbal or unwritten contract, such Immigrant shall be at liberty to show by evidence, in answer to such Complaint, that he terminated his service or contract in consequence of ill-

No. 139.
16th October, 1837.

[See Amended Act,
2nd April, 1860,
Cl. 12.]

CL. XXII.
[Repealed.]

CL. XXIII.
Colonial Secretary to
have List of Allot-
ments and Amounts
due.

CL. XXIV.
List of Immigrants to
be published annually.
Schedule D.

CL. XXV.
Manager of Plantation
to keep Muster Roll.

Schedule E.

CL. XXV.
[Repealed.]

CL. XXVII.
Penalty on breach of
Verbal Contract by
Employer.

CL. XXVIII.
Immigrant may prove
ill-usage in Defence.

No. 133.
16th October, 1837.

CL. XXIX.
Penalty on ill-usage.

CL. XXX.
Justice may discharge from Contract, and decide in any case as to Wages due, in addition to any other Order or Complaint made.

CL. XXXI.
Governor may discharge Immigrant from service, on account of ill-usage by Employer.

CL. XXXII.
Immigrant Absenting himself, refusing to Work, or guilty of Misconduct.

CL. XXXIII.
On complaint of Absence, Muster Roll to be produced.

CL. XXXIV.
Governor, in Council, may make Rules for general treatment of Immigrants.

CL. XXXV.
Hours of Labour.

usage by his employer, or for some other good and sufficient cause to be judged of by the presiding Magistrate or Justices.

If any Employer shall ill-use any Immigrant, he shall be liable on conviction to a penalty not exceeding Ten Pounds.

Upon any Complaint made by any Employer or Immigrant, the Magistrate or Justices by whom such Complaint shall be heard may, in addition to any other Order made on such Complaint, award to such Immigrant the whole or such proportion of the wages appearing due to him as such Justice or Justices shall think reasonable, or shall authorize the Employer to retain the whole or any specified portion of such wages, and may discharge such Employer or Immigrant from his contract or service, and shall in such case give to such Employer or Immigrant, as the case may require, a Certificate of such discharge and of such award, without any fee or consideration.

If it shall be made to appear to the Governor that any Employer of any Indentured Immigrant, or other person acting under his authority, shall have been convicted of gross or repeated ill-usage or ill-treatment of any such Immigrant, the Governor may direct the Immigrant so ill-used or ill-treated, and also if he shall so think fit, every other Immigrant indentured to such Employer, to be released and discharged from all further service to such Employer, and thereupon such Immigrant or Immigrants shall be wholly discharged from all further service to such employer; and the Governor shall direct the Immigration Agent to indenture Immigrants discharged under the provisions of this or of the preceding section to such other employer as to him may seem fit: *Provided always*, That the term of service for which any such Immigrant shall be indentured by any such new Indenture shall not, together with the time of his or her past service, exceed the period of service for which such Immigrant was previously bound.

Any Immigrant who, without reasonable cause, shall neglect or refuse to attend at the daily call of the Muster Roll, or at and during the time and hours or at the place, where and when he shall have contracted or agreed to attend in commencing or carrying on any work during such hours as it shall be usual so to attend, or who without reasonable cause shall leave unfinished or refuse to finish any work contracted or agreed to be done, or who shall be guilty of any drunkenness, wilful disobedience of orders, insolence, or neglect of duty, or other misconduct in the service of his Employer, or who shall quit the service of such employer, without leave or reasonable cause before the end of the period stated in his Indenture, or before the end of the period for which he shall have verbally contracted or agreed to serve, as the case may be, [he] shall on conviction thereof forfeit the whole or any part of any wages then due, and not exceeding the wages of one week, and be punished by fine or imprisonment, with or without hard labour, at the discretion of the presiding Magistrates or Justices, such fine not to exceed Four Pounds, and such imprisonment not to exceed thirty days.

In the case of any Complaint made by any Employer against any Chinese, Indian, or African Immigrant for absenting himself from his service or employment, it shall be lawful for the presiding Magistrate or Justices, and he and they is and are hereby required to demand the production of the Muster Roll of the plantation or estate for the month during which such absence shall have taken place, and if such Muster Roll shall not be produced, or if it shall appear on inspection thereof, and shall be proved in evidence that the names of such Immigrants have not been duly called over as hereinbefore enacted, then and in any such case such Complaint shall be dismissed.

It shall be lawful for the Governor in Council, from time to time, to make and promulgate Rules and Orders respecting the lodging, medicine, medical attendance, care, food, and clothing, and for the general treatment, of all Immigrants, and the regulations so made shall be deemed part of the Contract of the Employer and the Immigrant.

Every Indentured Immigrant, in the absence of any express agreement to the contrary, and except in case of illness, shall be bound to work upon or in the service of the Plantation mentioned in his Indenture for nine hours of each day, Sundays, Good Friday, New Year's Day, and Christmas

Day only excepted : *Provided always*, That during his absence on account of illness every such Immigrant shall, in the absence of any express agreement to the contrary, receive, instead of wages, such allowances as the state of his health may require.

If it shall be established, before any two Justices of the Peace, on complaint preferred by any Indentured Immigrant, that such Immigrant is not provided by his Employer with sufficient work to enable him to earn a just amount of wages in terms of his Contract, such Justices shall declare and adjudge the Contract or Indenture of such Immigrant to be thereby cancelled ; and thereupon it shall be lawful for the Governor to cause such Immigrant to be indentured to some other Employer, who shall be required to pay or to give Promissory Notes, in manner and form provided by section twenty-four of this Act, for such sums as may be the due proportion of the bounty or passage-money for the unexpired period of the term of service transferred to him, the original Employer and his estate remaining liable, however, for such sum or sums as may be due for the expired term or proportion of the whole period of service, as expressed in the original Contract or Indenture.

Upon any complaint by any Immigrant for non-payment of wages, or damages for breach of Contract, or misconduct by his Employer, it shall be lawful for the presiding Magistrate or Justices to make a proportional abatement out of any sum to be awarded as the wages or damages due to such Immigrant for such days or time as he shall be proved to have been, without the consent of his Employer, absent from or neglecting his service or work, and also for the value of any damage done to the property of his Employer, by or through the misconduct, or negligence, or carelessness of such Immigrant.

If any such Immigrant as aforesaid shall, by negligence or other improper conduct, lose, throw away, endanger, or damage the property of his Employer, or shall endanger such property by a careless or improper use of fire, or shall cruelly ill-use any cattle or other live stock belonging to his Employer, or entrusted to his care, or, by negligence, shall suffer or occasion to be cruelly ill-used any such cattle or live stock, every such offender, on conviction thereof, shall be punished by fine or imprisonment, with or without hard labour, such fine not to exceed Four Pounds, and such imprisonment not to exceed thirty days.

No complaint by any Employer against any Immigrant, or by any Immigrant against any Employer made under any of the twelve preceding sections of this Act shall be entertained, unless the same shall be preferred within thirty days after the occurrence of the subject-matter of such complaint ; and, upon the hearing of any such complaint, no abatement or deduction shall be made from the amount determined to be due to either party by reason of any misconduct, of which such party may have been guilty at any time exceeding thirty days before the institution of such complaint.

Every Immigrant, of whatever description, who shall have completed the term of service, under Contract or Indenture, hereinbefore required of him respectively, or shall have paid the sums hereinbefore required to be paid in commutation of such service, shall be entitled to demand and receive from the Immigration Agent, free of all charge, a Certificate of industrial residence, to be written or printed according to the form in the Schedule F, to this Act annexed, and shall [and] thereupon be released from all further obligation to perform service under Contract or Indenture, and such Certificate shall be delivered, free of cost, to such Immigrant by the said Immigration Agent at the proper time, if he can be found, whether application shall be made for the same or not ; *Provided*, That it shall be lawful for the Governor, on being satisfied that any Immigrant is, whether from sickness or any other cause, permanently disabled and unfit to perform any labour, to authorize the Immigration Agent to grant a Certificate of exemption from labour ; *And provided*, That notice shall be published by the Immigration Agent, for the space of one month before the issue of any Certificate under this section, of the intention to issue the same.

No. 139.
16th October, 1857.

CL. XXXVI.
Employer failing to
provide Employment.

*Repealed
L. 147
See Provision
to A.S.*

CL. XXXVII.
Abatement of Wages
for Misconduct.

CL. XXXVIII.
Immigrant endanger-
ing or destroying Prop-
erty.

CL. XXXIX.
Limitation of period
for preferring Com-
plaints.

CL. XL.
Issue of Certificate of
Industrial Residence.

Schedule F.

Or of Exemption from
Labour.

No. 139.
16th October, 1857.

CL. XLI.
Register of Certificates.

Extract of Evidence,
Issue of Duplicate.

CL. XLII.
Employer to report
Desertion of Immigrant forthwith.

Publication of Report.

Schedule G.

CL. XLIII.
Penalty on Harboured
or Enticing away
Immigrant, under Indenture.

CL. XLIV.
Apprehension of Immigrant,
wandering from Estate.

The Immigration Agent shall keep a Register of all Certificates issued under the provisions of the preceding section, which Register shall contain the description, sex, age, and any other distinguishing mark, as clearly as the same can be set forth, of every Immigrant to whom any such Certificate may be granted; and if, at any time, any question shall arise, whether before a Court of Law or elsewhere, respecting any such Immigrant, and he shall be unable to produce such Certificate, an extract from the said Register, under the hand of the said Immigration Agent, accompanied by a Certificate, under his hand, of the identity of such Immigrant, shall be deemed good and sufficient evidence; and if at any time any Immigrant shall prove to the satisfaction of the said Immigration Agent that such Certificate has been lost or destroyed, he shall be entitled to receive a duplicate of the same, on payment of the sum of Two Shillings for such duplicate.

Every Employer of any Immigrant under Indenture shall, within twenty-four hours from the time at which any such Immigrant shall have deserted from such Plantation, report such desertion at the nearest Police Station, stating in such report the number and name by which such Immigrant is described in his Indenture, with the date thereof, and any other information likely to facilitate the apprehension of such deserter; and so soon as any report of a desertion is delivered to the Officer in charge of such Police Station, he shall copy the same, and send on such report to the nearest Police Station in each direction, and the Police Officers respectively in charge of such station shall, in like manner, copy and send on such report from station to station until it reaches the Inspector of Police, and such Inspector shall, at the end of each quarter, make up and transmit to the Governor a return, in the form marked G, of all desertions so reported, and of the result up to that date; and in case any Employer shall fail to comply with the provisions of this section, he shall forfeit and pay a sum of not less than Twenty Shillings, nor more than Forty Shillings.

Every person who shall harbour, conceal, or employ any Immigrant, being at the time under a written Contract to labour for some other Employer, or who shall remove, or entice, or solicit away from his Employer any Immigrant, shall, for every such offence, on conviction thereof, forfeit and pay a penalty not exceeding Ten Pounds, and shall further pay to the Employer to whom such Immigrant shall be indentured the sum of Eight Shillings for each day during which such Immigrant shall be proved to have been so harboured or employed, and if the Employer or person in charge of any such Immigrant shall state upon oath before a Justice of the Peace, that he has reasonable cause to suspect that such Immigrant is harboured, concealed, or employed on the premises of any person, such Justice of the Peace may grant a warrant to search for such Immigrant, and bring him or her, and the person by whom such Immigrant may be harboured, concealed, or employed, before him, to be dealt with as provided by this Act: *Provided always*, That in every case in which any dispute or difference shall arise as to whether any person who shall have harboured, concealed, or employed any Immigrant, being at the time under a written Contract to labour, or who shall have removed or enticed away, or shall have solicited or enticed any such Immigrant to remove from the employment or service of his or her Employer, had knowledge of any such Immigrant being at the time under such Contract, the proof of the absence or want of knowledge of every such person shall be on such person, and the proof of the knowledge of such person shall not be on the party aggrieved, complaining, or informing.

It shall be lawful for the Employer of any Chinese, Indian, or African Immigrant under a written Contract to labour, for the servant of such Employer, or for any member of the Police force or Rural Constable, to apprehend, without warrant, such Immigrant who, on any day on which he shall be bound to labour, shall be found at a distance of more than two miles from the Estate on which he shall be engaged to labour without a ticket of leave signed by such Employer, and to cause such Immigrant to be taken back to such Estate, and that it shall be lawful for any member of the Police Force or Constable, if he shall see reasonable cause for so doing, to call upon any such Immigrant to produce to him his Certificate of industrial

residence, or ticket of leave, and if such Immigrant shall be unable or shall refuse so to do, then, without any unnecessary delay, to take such Immigrant before the Police Magistrate or any two Justices, to be dealt with according to Law; and that if affidavit shall be made before any Justice showing reasonable ground to suppose that any Immigrant is harboured, or concealed, or employed on the premises of any person, such Justice shall grant a warrant to search for such Immigrant, to bring him before him to be dealt with according to Law.

Every Employer of Immigrants under a Written Contract to labour shall, on or before the tenth day of January and tenth day of July in each and every year, make out and transmit to the Immigration Agent a return in writing of the number of Immigrants who were in his service, under Written Contract, on the last day of the preceding six months, which return shall be made out in the manner and form specified in the Schedule hereto annexed marked H, and shall be described as the return of the person with whom such Immigrant shall have been under a Written Contract or otherwise, and shall contain a specification of the total number of such Immigrants, and also of all deductions from the original number of Immigrants, under Written Contracts as aforesaid, which shall have taken place within the last preceding six months by death or desertion, stating the names, numbers, and vessels of import, of those who may have died or deserted, and also of those who may have returned to the performance of their Contract after their desertion, giving the like description; and also of the births of any children among such Immigrants, specifying the ages and sexes of such children, and the names and numbers of their parents; and also a declaration that the contents of such return are, in all respects, true and correct; and any person who shall neglect to transmit, within fourteen days after the time specified, any such return as aforesaid shall pay a sum of Forty Shillings, and a like sum for each and every subsequent month during which such neglect shall continue; and any person making or signing any such return or declaration, knowing the same to be false, shall be liable to be punished as by law provided in the case of wilful and corrupt Perjury.

Whenever any Chinese, Indian, or African Immigrant under Indenture shall be sentenced by any Court of Criminal Jurisdiction, or by any Justice of the Peace, under any Act or Law in force, to any term of imprisonment, it shall be the duty of such Court of Criminal Jurisdiction, or of such Justice, as the case may be, within the period of one calendar month from the date of such sentence, to cause to be delivered to the Immigration Agent a return setting forth, as accurately as may be, the name of such Immigrant, the name of the Estate to which he is indentured, the offence of which he shall have been convicted, and the term of imprisonment to which he shall have been sentenced.

The Immigration Agent shall enter in the proper place in the Register required by the tenth section of this Act all such births and deaths as shall be reported to him under the provision of section forty-five, or as shall, in any other manner, be brought to his knowledge; and shall keep a separate book in which shall be entered a full description of every Immigrant reported to have deserted, or to have been imprisoned, and the period during which he shall, in consequence, have been absent from the performance of his Contract, and if it shall appear by such separate book that any such Immigrant shall have been, whether at one time or upon different occasions, absent from the performance of his Contract for one month or more, for each year that he shall have been indentured, it shall be lawful for the said Immigration Agent, and he is hereby required, to withhold the Certificates by the fortieth and forty-first sections of this Act required to be given until such Immigrant shall have completed the term of industrial residence required by Law.

Every Estate on which such Immigrants, whether indentured or not indentured, are located, shall be provided with comfortable and sufficient dwellings, and with a proper hospital and hospital furniture, medicine, and nurses, and shall have a regularly licensed medical practitioner to attend the sick, and in default thereof, the proprietor of such estate shall be

No. 139.
16th October, 1857.

CL. XLV.
Half-yearly Returns
of Immigrants by Em-
ployers.

Schedule H.

CL. XLVI.
Return to be made of
Immigrant imprisoned.

CL. XLVII.
Entry in Register, of
Births, Deaths, and
Desertions.

Suspension of issue of
Certificate.

CL. XLVIII.
Provision of Accom-
modation Hospital.

No. 139.
16th October, 1857.

CL. XLIX.
Instruction of
Africans.

liable to a penalty of Four Pounds, and a like sum for each and every fourteen days during which such default shall continue; and that it shall be lawful for the Governor, if he shall think fit so to do, in the case of any proprietor convicted more than once of a breach of the provisions of this section within a period of three months, to direct all such Immigrants to be released and discharged from all further service to such Employer, and thereupon such Immigrants shall be wholly discharged from such service, and the Governor may direct such Immigrants to be indentured to any other Employer whom he may select and who may be willing to receive the same.

All Indentured Africans, of the second class, shall be allowed one afternoon in each week, to be appointed by the Governor, for the purpose of receiving education and religious instruction; and any manager or other person in charge of a plantation preventing the attendance of any such African at any school on such afternoon as aforesaid, or obstructing the Minister of the Parish, or any Minister of the Christian Religion, or any Licensed Schoolmaster duly authorized thereto by the Governor, in visiting and instructing any such African, or neglecting or refusing to provide a fit and proper place, if required so to do by the Immigration Agent until the appointment of an Inspector of Schools and after such appointment by such Inspector, for the communication of such instruction, shall forfeit and pay a sum not exceeding Twenty Shillings for each such offence, to be recovered upon the complaint of the Immigration Agent or Inspector of Schools, or any person authorized by him in writing: *Provided always*, That any such African who shall absent himself from work on such afternoon as aforesaid, and shall not attend the school provided for him or receive instruction therein, shall be liable to be punished by fine or imprisonment in manner and form provided by section thirty-two of this Act.

CL. L.
Inspection of Planta-
tions by Immigration
Agent.

It shall be lawful for the Immigration Agent to enter into and upon any Plantation where any Immigrant may be employed, and to inspect the state and condition of such Immigrant, and inquire into any complaint which the Employer may have against any such Immigrant, or any such Immigrant may have against his Employer.

CL. LI.
Penalty on Obstruc-
tion of Immigration
Agent.

Every person who shall wilfully do any act whereby the Immigration Agent may be prevented or obstructed in the performance of his duty under this Act shall, on conviction thereof before any two or more Justices of the Peace, forfeit and pay such sum, not exceeding Ten Pounds, for every such offence, as to the convicting Justices shall seem fit.

CL. LII.
Issue of Passports to
Immigrants.

Every Immigrant who shall have acquired a right to Certificate of Industrial Residence shall and may demand and receive from the Immigration Agent a Passport which shall be delivered to him free of all charge whatsoever, and such Immigrant shall thereupon be at liberty to depart from this Colony on paying the expense of his own passage: *Provided always*, That nothing in this section contained shall be deemed or taken to imply any obligation upon this Colony to provide a passage for any such Immigrant at any time before the expiration of the term for which he shall have consented to reside therein.

CL. LIII.
Right of Coolies to
Back Passage.
[See Amended Act,
24th November, 1859.]

Every Immigrant from Her Majesty's dominions in the East Indies, or from the possessions of the East India Company, who shall arrive in this Colony, and who shall have acquired a Certificate of Industrial Residence in manner provided by the fortieth Clause of this Act, shall be entitled at the expiration of ten years from the time of such arrival, and upon payment to the Immigration Agent of the sum of Seven Pounds Five Shillings and Ten Pence, to be provided with a Back Passage to the port from which he sailed, at the expense of this Colony: *Provided*, That no such payment shall be required of any such Immigrant who shall enter into Indentures of Service for the last five years of the period of his engagement, each contract being of not less than one year's duration, or who shall pay to the Immigration Agent the sum of Two Pounds Ten Shillings for each such year during which he has not been under Contract; and every Indenture or Contract which may be made under the provisions of this Clause shall be made in manner provided by the twenty-first Clause of the said Act; and every Employer with whom any such Immigrant shall enter into such Indenture

or Contract shall, at the time of the execution of the same, in addition to the fee by the said Clause imposed for the preparation thereof, pay to the Immigration Agent a sum calculated at the rate of one-tenth of the bounty or passag-money paid for the introduction of such Immigrant for every year of the period stated in such Indenture, or Contract; *Provided also*, That no such Immigrant shall be entitled to such back passage unless claimed within eighteen months from the period when he shall have become entitled to the same.

There shall be paid to every Indian Immigrant, entitled to and who shall claim back-passage, Twenty Five Shillings for every half-year which may intervene between his application for and the actual offer of or opportunity for, such Back Passage, and so in proportion for any less period than six calendar months, during which any such Indian Immigrant, so entitled to and having claimed a return passage, may be detained in this Colony, for want of opportunity for such Back Passage.

In order to secure to Immigrants from the East Indies the means of communication in their own language, there shall, when practicable, be embarked from the port of departure in India one person capable of acting and engaged to act as Interpreter for every one hundred such Immigrants, which person, or some other duly qualified person, shall be employed so to act in this Colony at a reasonable salary, to be paid on the warrant of the Governor in Council out of the funds provided for Immigration purposes.

It shall be lawful for the Governor in Council, from time to time, to make Regulations for securing the savings and accumulations of property belonging to Indian Immigrants who may die in this Colony leaving property, for the benefit of the relatives of such deceased Immigrants, and for the realization of such property and the transmission thereof to the relatives in India of such deceased Immigrants.

It shall be lawful for the Governor in Council, from time to time, to make regulations for allowing to any Indian labourers such holidays, or days to be observed as religious festivals, as to him shall seem meet.

The Governor may order a Back Passage to be provided at the expense of the Colony for any Immigrant who may have become permanently unfit for labour, anything hereinbefore contained to the contrary notwithstanding.

In order to facilitate the return of Indian Immigrants who shall be entitled to Back Passage, wholly or in part at the expense of this Colony, it shall be lawful for the Governor, when there shall not be any convenient opportunity of providing such Back Passage from this Colony direct to the port from which such Immigrant shall have sailed, to arrange with the Governor of any neighbouring Colony from which there may be a convenient opportunity for the return of such Immigrant by way of such Colony to such port, wholly or in part at the expense of this Colony, according to the terms in which the Immigrant may be entitled to such Back Passage.

It shall not be lawful for any Immigrant who shall have been introduced into this Colony at the public expense to depart from the Colony without having first obtained a Passport in manner hereinbefore provided; and every Master, or other person in charge of any vessel, who shall receive or harbour on board of such vessel, with the intention of carrying out of this Colony any such Immigrant who shall not have obtained such Passport, shall, on conviction thereof, forfeit and pay a sum of Twenty Pounds for each and every such Immigrant whom he shall have so received or harboured with such intention as aforesaid; and every such penalty shall and may be sued for and recovered, for and on behalf of Her Majesty, before the Police Magistrate or any two Justices of the Peace, from such Master or other person being in command of any such vessel, or from the Owner of such vessel.

Upon the departure of any vessel from this Colony having Indian Immigrants on board returning to the port from whence they came, the Immigration Agent accompanied by the Health Officer shall proceed on board of such vessel, and, with the assistance of such Health Officer, shall ascertain by personal inspection of the vessel and Immigrants whether the vessel

No. 139.
26th October, 1857.

CL. LIV.
Compensation to Indians when entitled to Back Passage.

CL. LV.
Employment of Interpreters.

CL. LVI.
Governor in Council may make Regulations for securing and transmitting property of deceased Immigrants.

CL. LVII.
Governor in Council may allow certain holidays.

CL. LVIII.
Free Passage for Invalids.

CL. LIX.
Governor may arrange for return passage of Indian Immigrants, by way of neighbouring Colony.

CL. LX.
Penalty on Master of Vessel receiving Immigrant without Passport.

CL. LXI.
Inspection of Vessel sailing with Immigrants.

No. 133.
16th October, 1857.

is fit and suitable in all respects for the purpose, and whether all the arrangements made for the passage and treatment of the Immigrants are in due conformity with Law, and especially with the laws passed by the Right Honourable the Governor-General of India and Council for regulating the emigration of the native inhabitants of the territories under the Government of the East India Company to the West Indies; and such Immigration Agent shall personally muster such Immigrants, and ascertain whether they and each of them be the parties lawfully entitled to Back Passage, and shall certify upon the list to be by him furnished to the Master of such vessel the total number of Immigrants embarked, together with the state and condition of such Immigrants, and that they are provided with clothing suitable for the voyage.

CL. LXII.
Payment of Health
Officer.

Such Health Officer shall be allowed, as his remuneration for services performed under this Act, the sum of Sixpence for every Immigrant on board of any such vessel arriving, and the same sum for every Immigrant departing, at the expense of the Colony.

CL. LXIII.
Immigrant using False
Documents.

If any Immigrant shall fraudulently obtain, transfer, use, or attempt to use any false, forged, or counterfeit Certificate of Industrial Residence, Passport, Ticket of leave, or other document referred to in this Act, or shall in any manner alter or erase any part of such document, such Immigrant shall be subject, on conviction, to a Fine not exceeding Four Pounds, or to imprisonment at hard labour not exceeding thirty days.

CL. LXIV.
Part of all Fines, not
exceeding one-half,
may be paid to the
Informer.

If any person shall be sentenced to imprisonment for any offence against this Act, or shall fail to pay any fine imposed upon him for such offence, he shall be committed to the Common Gaol, there to remain in conformity with his sentence; and any part not exceeding one-half of every fine imposed by this Act may in the discretion of the presiding Magistrate or Justices, be paid to the Informer, and in any case where the party convicted shall not pay such fine it shall be lawful for the Governor to reward such Informer, provided that such reward to be so paid by the Governor shall, in no case, exceed Four Shillings.

CL. LXV.
Payment of Salaries.

All salaries of Officers granted, and all expenses incurred in virtue of this Act, shall be paid out of such funds as are raised for the purposes of Immigration; and all moneys payable by any person in virtue of any of the provisions of this Act, and which shall not be declared to be payable to any particular officer or persons, shall be payable for the use of Her Majesty to the Public Treasurer or to the Magistrates or Justices awarding the payment of any such money; and all sums received by any such Magistrate or Justices or any other person, and not payable over to any particular person, shall be paid over to the Public Treasurer under this Act, and shall be appointed [*applied*] to Immigration purposes, and the Public Treasurer shall render to the Committee of Public Accounts quarterly a statement of all receipts and payments for Immigration purposes.

CL. LXVI.
Adjudication of Com-
plaints under this Act.

All Complaints, differences, and disputes, which shall arise between Employer and Immigrant respecting any matter or thing treated of in this Act shall and may be heard and determined, except where otherwise specially provided, by the Police Magistrate or any two Justices of the Peace, and all Penalties, Forfeitures, and sums of money imposed or ordered to be paid by this Act, may, unless otherwise specially directed, be recovered on summary conviction before such Magistrate or Justices, and it shall be lawful for the Police Magistrate sitting alone to do any act authorized by this Act to be done by two or more Justices of the Peace.

Recovery of Penalties.

CL. LXVII.
Mode of Recovery of
Penalties.

In every case of Summary Conviction under this Act, where the sum forfeited or ordered to be paid shall not be paid immediately after the conviction or within such period, not exceeding ten days after conviction, as the presiding Magistrates or Justices shall, at the time of conviction, appoint, it shall be lawful for the convicting Magistrate or Justices, where the amount of the sum forfeited or ordered to be paid shall not exceed Ten Pounds, by Warrant, under his hand and seal or their hands and seals, to authorize and require any Constable to levy the same, together with the costs and charges attending such levy, by distress and sale of the goods and chattels of the person convicted, and in default of such distress it shall and may be lawful

for such Magistrate or Justices to commit such person so convicted to the Common Gaol, there to be imprisoned for any term not exceeding three calendar months, unless where a less term is hereby specially provided, or until payment of such sums so forfeited or ordered to be paid; and where the amount of the sum forfeited or ordered to be paid shall exceed Ten Pounds, by Warrant under his hand and seal or their hands and seals, to authorize and require the Provost Marshal to levy the same, together with the costs and charges attending such levy, upon the goods and chattels, lands, tenements, and hereditaments of the person so convicted, in the same manner, and under the same regulations and restrictions, as he would levy under execution any debt or damages recovered in the Supreme Court of Judicature, and in default of goods and chattels, lands, tenements, and hereditaments of the person so convicted, to take the body of such person so convicted, and him to imprison in the Common Gaol for any term not exceeding six calendar months, unless when a less term is hereby specially provided, or until payment of such sum so forfeited or ordered to be paid.

Throughout this Act, the words and expressions hereinafter mentioned, shall have and bear the following meanings, that is to say:—the words “Her Majesty,” shall mean Her Majesty, her heirs and successors; the term “Immigration Agent” shall not only mean the Immigration Agent, but also any sub-agent appointed by the Government to act in any particular place, or on any particular occasion, in the place and stead of the Immigration Agent; the word “Immigrant” shall include all Immigrants already introduced or who may hereafter be introduced into this Colony at the expense of the British Treasury, or at the expense of this Colony, or for whose introduction, although the same may be under private contract, the Colony may hereafter pay bounty; the word “Writing” shall also mean printing; the word “Servant” shall mean any person employed and duly authorized by the proprietor of any Plantation to which Immigrants shall be allotted; the word “Contract” and the words “Written Contract” shall mean also any indenture or agreement written or printed, or partly written and partly printed; the word “Indenture” shall also mean contract; the word “Estate,” shall also mean plantation: the word “Plantation” shall include any sugar, cocoa, coffee, [or] arrowroot plantation, rice or cotton estate, or any farm or establishment on which any Immigrant may be employed: the word “Employer” shall include the Proprietor or Manager or other person having the direction of or the chief authority upon any such Estate or Plantation, or of or upon any farm or establishment on which any Immigrant shall be employed: every word importing the singular number only shall extend and be applied to several persons or things as well as to one person or thing: every word importing the plural number shall extend and be applied to one person, matter, or thing, as well as to several persons, matters, or things: every word importing the masculine gender only shall extend and be applied to a female as well as to a male; unless in any of the cases aforesaid it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

It shall be lawful for the Governor in Council, from time to time, to make Rules for regulating the proportion and number of each sex of any Immigrants to be introduced into this Colony under the provisions of this Act.

That the Acts following be repealed: an Act passed 16th November, 1838, intituled “An Act to render null and void all contracts for the performance in this Colony of any service or labour in agriculture, or in “or about the manufacture of Colonial Produce, which may be entered “into in any of the other of Her Majesty’s possessions in the West “Indies.”

An Act passed the twenty-ninth day of January, one thousand eight hundred and forty-seven, intituled “An Act for Promoting and Encouraging “the Immigration of Labourers into the Colony of St. Vincent, and for “Regulating Contracts to be entered into with them.”

An Act passed the twenty-ninth day of March, one thousand eight

No. 139.
16th October, 1857.

CL. LXVIII.
Interpretation of
Terms.

CL. LXXIX.
Governor in Council
to make Rules for re-
gulating proportion
of sexes.

CL. LXX.
Repeals Acts therein
mentioned.

No. 139.
16th October, 1857.

hundred and forty-nine, intituled "An Act to Regulate and make Provision for the Treatment of Liberated African Immigrants."

An Act passed the nineteenth day of May, one thousand eight hundred and forty-nine, intituled "An Act to Alter and Amend an Act, intituled 'An Act to Regulate and make Provision for the Treatment of Liberated African Immigrants.'"

An Act passed the twenty-seventh day of June, one thousand eight hundred and fifty-one, intituled "An Act further to Alter and Amend an Act, intituled 'An Act to Regulate and make Provision for the Treatment of Liberated African Immigrants.'"

A.—SECTION 8.

IMMIGRATION AGENT'S CERTIFICATE OF ARRIVAL.

I, the undersigned, do hereby certify that the Ship _____ of _____ Master, arrived at this port from _____, on the _____ of _____ bringing _____ Immigrants above fourteen years of age, between the ages of fourteen and six years, and _____ under six years of age; that I, assisted by the Health Officer of the Port, have personally inspected the said vessel and Immigrants, and find that the provisions of the "Imperial Passengers Act" for the time being, as far as the same are applicable, have been duly complied with; and finally that the amount payable in respect of such Immigrants is _____.

Dated at _____, day of _____, 18____.
A. B., Immigration Agent.

C.—SECTIONS 19 AND 23.

ST. VINCENT.

THIS Indenture, made the _____ day of _____, in the year of our Lord one thousand eight hundred and _____, between A. B., Immigration Agent in the Colony of St. Vincent, for and on behalf of C. D., a liberated [male or female] African of the age of _____ years, and numbered _____, recently sent to this Colony, under the authority of Her Majesty's Government, for the purpose of being located and established herein, of the one part, and E. F., of _____ in this Colony, of the other part, Witnesseth that, in virtue of the Act in such case made and provided, and in consideration of the covenants, promises and agreements on the part and behalf of the said E. F., hereinafter contained, he the said A. B., as such Immigration Agent has indented, placed, and bound, and by these presents doth indent, place, and bind the said C. D., the African indented, to and with E. F., of _____, to serve for the term of _____ years, to be computed from the day of the date of these presents, and doth hereby, for and on behalf of the said C. D., to and with the said E. F., covenant, promise, and agree that the said C. D. shall and will, during all and every part of the said term of _____ years, truly and faithfully serve the said E. F., as a Labourer on Plantation _____; and the said E. F. doth hereby covenant, promise, and agree to and with the said A. B., for and on behalf of the said C. D., That he the said E. F. shall and will, until the said C. D. shall have attained the age of fifteen years, find, and provide for, and allow to the said C. D. suitable and sufficient diet, clothing, tools or implements of work, lodging, and medical attendance, and such privileges, necessities, and money wages as may from time to time be ordered by the Governor in Council, or be enacted touching or concerning Africans, under the age of fifteen years, indented in this Colony; and shall also allow to the said C. D., during the continuance of these presents, for Education and Religious Instruction, such one afternoon in every week as shall be appointed or assigned by the Governor of the Colony for the time being.

In Witness whereof, he the said A. B., the Immigration Agent, for and on behalf of the said C. D. and he, the said E. F., have hereunto set their hands the day and year first above written.

D.—SECTION 26.

No. 139.
16th October, 1857.

Annual Lists of Arrivals and Allotments of Immigrants.

No. of Arrival.	Name of Vessel.	No. of Immigrants.	From what Place.	Adults.			Children between 6 and 14 years.			Children under 6 years.			No. of Immigrants Allotted, including Children.		To what Plantation Allotted.	Remarks.
				M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.		

Dated at _____, this _____ day of _____, 18 _____.

A. B., Immigration Agent.

N.B.—If any discrepancy occurs between the number of arrivals and those allotted, explain it in the column for remarks.

E.—SECTION 25.

Muster Roll of Plantation _____ for the month of _____

Description of Immigrants.	Name.	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th	14th	15th	16th	17th	18th	19th	20th	21st	22nd	23rd	24th	25th	26th	27th	28th	29th	30th	31st

Portuguese .

Coolie . . .

Chinese . . .

African . . .

J. F., Manager or Overseer.

F.—SECTION 40.

No. _____

This is to certify that the _____ Immigrant hereinunder described has completed his term of service [or has paid the amount required in commutation of his service] under the provisions of the Act, intituled "An Act to "Alter the Law of Contracts with regard to Immigrants, and for the Encouragement of Immigration, and for the General Regulation of Immigrants."

Name.	Sex.	Description.	Remarks.

(Signed) A. B.

G.—SECTION 42.

Quarterly Return of Desertions from the District.

No.	Description of Immigrant.	Name.	Sex.	Date of Indenture.	Plantation from which Deserted.	Date of Desertion.	Date of Return to Service.

No. 139.
16th October, 1857.

H.—SECTION 45.

Half-yearly Return of the entire number of Immigrants located on Plan-
tation , in the Parish of , St. Vincent.

	Madras Coolies.	Calcutta Coolies.	African.	Portu- guese.	Chinese.	Total.
	M. F.	M. F.	M. F.	M. F.	M. F.	M. F.
Number remaining at last Return						
Number born, received, or return from de- sertion since last Return						
Total						
Number died, departed, or deserted since last Return						
Total on the Estate						

Specification of Birth.

Name of Infant	Sex.	Name of Father.	Name of Mother.	Father's Number.	Father's Ship of Import.	Father's Country.

Specification of Deserters.

Name of Deserter.	Sex.	Country.	No.	Ship of Import.	Date of Desertion.

Specification of Deaths.

Name of Deceased.	Sex.	Country.	No.	Ship of Import.	Date of Death.	Cause of Death.

Specification of Immigrants returning after Desertion.

Name of Immigrants.	Sex.	Country.	No.	Ship of Import.	Date of Return.	Date of Desertion.

I , of Plantation do solemnly and sincerely declare
that the above is a true and correct Return of the Immigrants on Plantation
, on the day of 18 , as required by the 45th
Clause of the Act intituled "An Act to Alter the Law of Contracts with regard
"to Immigrants, and for the Encouragement of Immigration, and for the
"General Regulation of Immigrants."

(Signature.)

No. 140.

An Act to provide for the Education of the People of this Colony.

[7th December, 1857.]

WHEREAS it is deemed expedient to promote the general education of the people of this Colony: *Be it therefore enacted* by the Governor, Council, and Assembly of the Government of the Island of St. Vincent and its Dependencies, that for the purposes of this Act, a Board to be called "The Board of Education," shall be and it is hereby established; such Board to consist of the Officer administering the Government, who is hereby requested to act as President of the Board, the President of the Legislative Council, the Speaker of the House of Assembly, Two Members of the Legislative Council, and Four Members of the House of Assembly, to be selected and chosen by the Council and Assembly respectively, of whom any five shall be a Quorum: *Provided*, That in the event of a vacancy of a seat at the Board the vacancy shall be filled, if the seat was held by a Member of Council, by another Member chosen by the Council, and if the seat was filled by a Member of the House of Assembly by another Member chosen by the House of Assembly: *And provided also*, That in the event of a Dissolution of the Legislature, the President of Council, the Speaker of Assembly, and the Members of Council and Members of Assembly composing the Board, shall continue Members of the Board until a new House shall have met, and shall elect a Speaker and choose and select Members to become Members of the said Board.

That the said Board of Education shall be authorized to appoint some fit and proper person to be their Clerk, at a salary of Fifteen Pounds per annum.

That an annual sum of Seven Hundred Pounds shall be paid to the said Board of Education in four equal quarterly payments, which shall be apportioned as follows, (that is to say): to Schools under the superintendence of the Clergy of the Established Church, Four Hundred and Twenty-five Pounds; to Schools under the superintendence of Ministers of the Wesleyan body, Two Hundred Pounds; and to Schools under the superintendence of the Ministers of the Roman Catholic Church, Seventy-five Pounds. That the said sum of Seven Hundred Pounds shall be paid out of the proceeds of any Act or Acts to be passed by the Legislature raising and appropriating money for Educational purposes, or by any annual vote of the Legislature: *Provided always*, That if such Act or Acts shall not raise Seven Hundred Pounds the balance required to make up the sum shall be paid out of the General Revenue, and if such Act or Acts shall raise more than Seven Hundred Pounds then that such excess shall be distributed by the said Board of Education to Schools of the denominations and descriptions above named in similar proportions to the sums hereinbefore appropriated, subject to the provision made in the following Clause.

That the salary of the Clerk, and any expense incurred by the said Board of Education for stationery or otherwise, shall in each year be paid out of any funds to be provided as hereinbefore directed, over and above the Seven Hundred Pounds hereinbefore granted for the purposes of this Act.

That it shall be the duty of the said Board of Education to carry out the Provisions of this Act. The Commissioners shall receive applications for aid from Schools and award Grants thereon, subject to the appropriation hereinbefore made; and whenever they may deem it expedient the Commissioners shall visit and examine any School or Schools receiving aid under this Act, and the Commissioners shall from time to time draw up such Rules and Regulations with respect to Schools receiving aid under this Act, and for their own guidance and procedure, as they may deem necessary.

Whereas, by an Act passed the thirteenth day of August, one thousand eight hundred and forty-five, an annual sum of One Hundred and Fifty Pounds was granted in aid of a School in Kingstown for the education of the Poor, and it is expedient that the Board hereby constituted should be

Preamble.

CL. I.
Board of Education to consist of Governor, President of Council, Speaker of Assembly, Two Members of Council, and Four Members of Assembly; any five to form a Quorum.

Proviso.

CL. II.
Board to appoint Clerk.

CL. III.
700*l.* to be paid annually to Board; of which 425*l.* is apportioned to Schools of Established Church; 200*l.* to Wesleyan Schools; and 75*l.* to Roman Catholic Schools.

CL. IV.
Salary of Clerk and incidental expenses of Board; how to be paid.

CL. V.
Duties of Board.

To make Rules for Schools receiving aid, and for their own guidance.

CL. VI.
Act of 13th August, 1845; [as to School at Kingstown.]

No. 140.
7th December, 1857.

Board to inspect
School, and report
state of same in regard
to management, &c.

CL. VII.
700*l.* to be paid out of
the general Revenue.

CL. VII.
Board to lay before Legis-
lature an annual statement
of their Receipts and Ex-
penditure, and a Report of
their Proceedings.

CL. IX.
Act to be cited as "Educa-
tion Act, 1857."

empowered to visit the said School, and to procure information as to the state and condition of the same: *Be it enacted*, That the Board hereby constituted shall have authority to inspect the said School, and to ascertain the state and condition in which it is in respect to management or otherwise.

Whereas it had been intended that an Act of the Legislature should be passed concurrent herewith for the purpose of raising a Fund for Education, but it has been found inexpedient at present to pass the said Act, yet it is necessary to make provision at once for carrying out the Enactments of this Act: *Be it therefore and it is hereby enacted* by the authority aforesaid, That there be paid during the year one thousand eight hundred and fifty-eight to the Board hereby constituted, by warrant from the Governor, the sum of Seven Hundred Pounds out of the General Revenue of the Colony.

That the said Board of Education shall annually lay before the Legislature, during the quarter ending the thirty-first day of March, a statement of their receipts and expenditure during the preceding year, accompanied by a General Report of their proceedings.

This Act may for all purposes be cited as "The Education Act, 1857."

No. 141.

An Act to grant a Sum of Money for the Compilation, Consolidation, and Printing of the Laws of the Colony. [7th December, 1857.]

Preamble.

CL. I.
Appropriates 400*l.* out
of General Revenue for
Compiling and Print-
ing the Laws of the
Colony.

CL. II.
Administrator of Go-
vernment to make ne-
cessary arrangements
for that purpose.

CL. III.
Not less than 300 co-
pies of Laws to be
printed.

WHEREAS it is deemed expedient to appropriate a sum of money out of the General Revenue for the purpose of obtaining the Compilation and Publication of a complete series of the Laws of the Colony at present in force: *Be it therefore and it is hereby enacted* by the Governor, Council, and Assembly, and by the authority of the same, That there be appropriated and paid to the Administrator of the Government of this Colony a sum of money not exceeding the sum of Four Hundred Pounds.

That the Administrator of the Government be authorized and requested to make all the necessary arrangements for obtaining the Compilation, Consolidation, and Publication of a complete series of the Laws of this Colony, and that he be authorized to draw upon the Treasurer from time to time for such sums of money as may be required for this purpose, not exceeding in the aggregate the said sum of Four Hundred Pounds so appropriated as aforesaid.

That not less than three hundred copies of the Laws so consolidated and completed be printed.

No. 142.

An Act to provide for the Establishment and Maintenance of a Court of Appeal. [24th December, 1857.]

Preamble.
13 Vict. chap. 15, sec. 2.

WHEREAS by an Act of the Imperial Parliament passed in the Sessions of the Imperial Parliament holden in the thirteenth and fourteenth years of the Reign of Her present Majesty, entitled "An Act to authorize the establishment of Courts of Appeal for certain of Her Majesty's West India Colonies," it was enacted that in case it should appear to Her Majesty that by any Act or Acts to be passed by the Legislatures of Colonies then comprised in the Commission of the Governor of Barbadoes, or by any of such Legislatures, and confirmed by Her Majesty with the advice of Her Privy Council, due provision had been made for the establishment and maintenance of such Court of Appeal as thereafter mentioned, and for defining the Jurisdiction of such Court in relation to the Colony or Colonies for which such Act or Acts might be passed, it should be lawful for Her Majesty, by any Order to be by her made with the advice of her Privy

No. 142.
24th December, 1857.

Council, to erect and establish, for and in relation to the Colony or Colonies for which such Act or Acts might be passed, a Court of Appeal to consist of such Judge or Judges and to have such ministerial or other Officers thereof as by such Act or Acts might be provided; and that such Court should hold its sitting in such place or places within the said Colonies, or any of them, and at such times, and should have such jurisdiction for the hearing and determining of such Appeals from judgments, decrees, orders, rules and other determinations of all or any of the Courts of such Colony or Colonies, as by such Act or Acts might be provided: *And whereas* it is desirable to expedite and facilitate the hearing and determination of Appeals from the Superior Courts of this Island, and to establish a tribunal which shall be more accessible and less expensive than that of Her Majesty in Council, and to make further amendments in the administration of the Criminal Laws; *Be it therefore enacted* by the Governor, Council, and Assembly of this Island and its Dependencies, and by the authority of the same, as follows:—

It shall be lawful for Her Majesty to erect and establish in this Island, in the manner in the said hereinbefore recited Act mentioned, one Superior Court of Judicature, to be called "the Court of Appeal."

The said Court shall consist of and be holden by the Chief Justices of St. Vincent, Barbadoes, St. Lucia, Grenada and Tobago, or the persons acting in their capacities for the time being.

Each of the said Judges shall, previously to his sitting in the said Court, appear before the Governor and take the following oath, that is to say:—I, A. B., do sincerely swear that I will execute and discharge the duties, powers, and trusts of my office of Judge of the Court of Appeal according to the best of my knowledge, skill, and ability, and that I will not delay or deny justice, nor, by favour, or collusion, or connivance, wilfully delay the holding of the said Court; that I will receive no fee, reward, or emolument from any Suitor of the said Court for anything to be by me done in my office, but that I will avoid corruption, and duly and impartially administer justice to all parties and in all cases which shall come before the said Court, according to Law, and without interest, partiality, prejudice, fear, favour, or affection for any.

The said Court shall be a Court of Record, and it shall be lawful for the Governor to order and procure a suitable Seal for the said Court, and proper Books for the record of the proceedings, judgments, orders, and sentences of the said Court, and to issue a warrant, in Council, on the Treasurer of the Island for any sum not exceeding Twenty Pounds, for the cost of the same.

The Secretary of the Supreme Court of Judicature shall be the Registrar, and the Provost Marshal of the Island shall be the Marshal, of the said Court of Appeal in this Island, and shall respectively have such power and authority, and perform such duties, and receive such fees, as shall be necessary for the due conduct and discharge of the business of the said Court, and as the Justices thereof shall direct and award; and a Table of such Fees, settled by the Judge, shall be kept in the office of the Registrar for general information.

The said Court of Appeal shall hold its Sittings for the hearing of appeals, as hereinafter mentioned, from the Courts of this Island, in the Town of Kingstown, and such sittings shall commence on the Fourth Monday in the month of January, and on the Fourth Monday in the month of July in each year; and any three of the said Justices shall constitute a Court for the transaction of business in the said Court, and any one Justice shall constitute a Court for the purpose of adjournment only: *Provided always*, That in cases where it shall be necessary, the Chief Justice or other the Judge of this Island present at the hearing of the cause in which an appeal shall be lodged, shall, upon due notice being given to him, either attend in Court and read the notes, or deliver a report of the trial to the Judge who shall be the junior Judge of the Court of Appeal for that cause, who shall, when the case is called on, read the said report: *Provided always*, That if, on any occasion it may be found necessary or more convenient to commence the Sittings of the said Court of Appeal on other days than those hereinbefore

CL. I.
Lawful for Her Majesty to establish a Court of Appeal in this Island.

CL. II.
Court to consist of Chief Justices of St. Vincent, Barbadoes, St. Lucia, Grenada, and Tobago.

CL. III.
Oath to be taken by Judges of Appeal Court.

CL. IV.
Governor to procure a suitable Seal for the said Court, and Books of Record.

CL. V.
Secretary of Supreme Court of Judicature to be Registrar; Provost Marshal to be Marshal of the said Court.

Registrar and Marshal to receive Fees; Table of Fees, settled by Judge, to be kept in the Registrar's Office.

CL. VI.
Court to be held in town of Kingstown on the Fourth Monday of the months of January and July in each year.

Governor by Proclamation to appoint any other days for holding the said Court.

No. 143.
24th December, 1857.

CL. VII.

Judgments of the Majority of the Judges to be the judgments of the Court; such judgments to be delivered in Open Court.

Judges, with consent of parties, between the sittings of the Court, may deliver their judgment in writing to the Registrar.

CL. VIII.

Plaintiff or Defendant may appeal against any Judgments of the Superior Courts of this Island.

Judgments of the Appeal Court to have the same effect, and to be similarly enforced as those of the Courts below.

CL. IX.

Appellant or his Counsel to give notice within 3 days after judgment of intention to appeal
24 - within which term security Bond to be given See cases on the

CL. X.

This Act not to prevent Appeals to Her Majesty in Council.

CL. XI.

In cases of Treason, Felony, or Misdemeanour, questions may be reserved for the consideration of Appeal Courts, and judgments or execution of judgments postponed.

Person convicted may be committed to prison, or enter into bond for his appearance.

fixed for that purpose, it shall be lawful for the Governor, by Proclamation to be published in the Official Gazette of this Island, to appoint and fix some other days in the year on which the Sittings of the said Court shall commence.

In all Sittings of the said Court the judgments, orders, and other determinations of the Majority of the Judges sitting and forming the Court shall be deemed and taken to be the judgments, orders, and other determinations, of the Court, and such judgment or judgments shall be delivered in Open Court in like manner as the judgments of the Supreme Courts of Common Law at Westminster or Dublin, as the case may be, are delivered: *Provided always*, That if, on any Appeal to the said Court, the Judges should not be prepared to deliver their judgments before the conclusion of the business at the sitting of the Court at which such appeal has been heard, it shall be lawful for the Judges, with the consent of parties, at any time before the next sitting of the Court, to deliver their judgments in writing to the Registrar of the said Court; and such judgments shall be as valid to all intents and purposes, and have the same force and effect as if the same had been delivered in Open Court at the last sitting of the said Court.

It shall be lawful for either of the parties, Plaintiff or Defendant, to appeal to the said Court of Appeal against any judgments, decrees, orders, rules, and other determinations of the Supreme Courts of this Island in the exercise of their legal, equitable, and ecclesiastical jurisdiction; and the judgments, orders, and other determinations of the said Court of Appeal shall be binding upon parties to suits now or hereafter to be instituted in the Courts below to all intents and purposes as the judgments, orders, and other determinations of the said Courts, and shall and may be enforced as if the same were the judgment, order, or other determination of the Court from whence the Appeal shall proceed.

The party intending to appeal from any such judgment, decree, order, rule, or other determination of the Superior Courts of this Island shall, by Counsel or Attorney, give notice in writing to the other party, his, her, or their Counsel or Attorney, of such intention within three days after the making or pronouncing of such judgment, decree, order, rule, or other determination; a copy of which notice, and proof of the service thereof by affidavit to be sworn before the Chief Justice or any Assistant Justice, being filed in the Registrar's Office shall operate to stay all proceedings in relation to the execution or further prosecution of the judgment, order, sentence, or decree, which shall be the subject matter of appeal until such appeal be disposed of: *Provided always*, That every Appellant shall, as a condition precedent to such stay of proceedings, execute security for costs by bond, with two sufficient sureties, to the Registrar of the said Court in such sum as the Judge by whom the judgment, order, rule, sentence, or decree appealed from, was pronounced, shall direct, for the due prosecution of such appeal within six months, otherwise the judgment, order, sentence, or decree of the Court below, so appealed from, shall stand confirmed.

Nothing in this Act contained shall prevent parties from appealing to Her Majesty in Council, either from the established Courts of this Colony, respectively, or from the said Court of Appeal, under such regulations and upon such terms and conditions as Her Majesty in Council shall be pleased to establish.

When any person shall have been convicted of any Treason, Felony, or Misdemeanour before the Court of Grand Sessions of the Peace, the Justice or Judges before whom the case shall have been tried may, in his or their discretion, reserve any question of Law which shall have arisen on the trial for the consideration of the Judges of the Court of Appeal, and thereupon shall have authority to respite execution of the judgment on such conviction, or postpone the judgment until such question shall have been considered and decided, as he or they may think fit; and, in either case, the Court, in its discretion, shall commit the person convicted to prison, or shall take a recognizance of bail, with one or two sufficient sureties and in such sum as the Court shall think fit, conditioned to appear at such time or

construction 20 c 74. Sec. 2. Aug. 26 57
Woodhouse v Wood 1 L.T. 59. v. S. Both done
within the 3 days

times as the Court shall direct and receive judgment, or to render himself in execution, as the case may be.

The Chief Justice or other Judges, as last aforesaid, shall thereupon state a case, signed in the manner now usual in the like cases in England, [and] the question or questions of Law which shall have been so reserved, with the special circumstances upon which the case shall have arisen; and such Case shall be referred to the said Judges of the said Court of Appeal, and the said Judges shall thereupon have full power and authority to hear and finally determine the said question or questions, and thereupon to reverse, affirm, or amend any judgment which shall have been given on the indictment or inquisition in question on the trial whereof such question or questions have arisen, or to avoid such judgment, and to order an entry to be made on the record that, in the judgment of the said Judges, the party convicted ought not to have been convicted, or to arrest the judgment, or to order judgment to be given therein at some other Session of the Court of Grand Sessions of the Peace, if no judgment shall have been before that time given, as they shall be advised, or to make such other order as justice may require; and such judgment and order of any of the said Justices shall be certified under the hand of the Senior Judge or Judges presiding at the time of the giving the said judgment or making of the said order, to the Clerk of the Crown, who shall enter the same on the original record in proper form; and a certificate of such entry, under the hand of the Clerk of the Crown, in the form as near as may be or to the effect mentioned in the Schedule annexed to this Act, with the necessary alterations to adapt it to the circumstances of the case, shall be delivered or transmitted by him to the Provost Marshal or Gaoler in whose custody the person convicted shall be, and the said certificate shall be a sufficient warrant to such Provost Marshal or Gaoler for the Execution of the judgment as the same shall be so certified to have been affirmed or amended, and Execution shall be thereupon executed on such judgment; and for the Discharge of the person convicted from further imprisonment if the judgment shall be reversed, avoided, or arrested, and in that case such Provost Marshal or Gaoler shall forthwith discharge him, and also the next Court of Grand Sessions of the Peace shall vacate the recognizance of bail, if any; and if the Court of Grand Sessions of the Peace shall be directed to give judgment, the said Court shall proceed to give judgment at the next Session.

The said Court of Appeal, when a Case has been reserved for its opinion, shall have power, if they think fit, to cause the Case or certificate to be sent back for amendment, and thereupon the same shall be amended accordingly, and judgment shall be delivered, after it shall have been amended.

Writs of Error may, on sufficient probable cause shown to Her Majesty's Attorney-General for this Island, be brought upon any judgment or any indictment, information, presentment, or inquisition in any Criminal case, but such Writs shall hereafter be made returnable only before the Judges of the said Court of Appeal, any Law or Statute to the contrary notwithstanding; and proceedings being thereupon had as in the case of Writs of Error, whenever the said Court shall reverse the judgment it shall be competent for the said Court either to pronounce the proper judgment, or to remit the record to the Court below in order that such Court may pronounce the proper judgment upon such indictment, information, presentment, or inquisition.

Copies of the Judgments, orders, or other determinations of the said Court of Appeal, certified under the hand of the Registrar and Seal of the said Court, shall be conclusive evidence of such judgments, orders, or other determinations, and of all matters therein contained, in all legal proceedings and in all and singular the Courts of this Island.

It shall be lawful for the Judges of the said Court jointly, or any three or more of them, to make such Rules, orders, and regulations, respecting Appeals, and the practice and mode of proceeding in the same, and the conduct and duties of the Officers and Practitioners therein, as to them shall seem fit: *Provided always*, That all such Rules, orders, and regulations so

No. 142.
24th December, 1857.

CL. XII.
Chief Justice or Judge shall state Case or Questions of Law, which have been reserved.

The Court shall have full authority to reverse, affirm, or amend Judgment, or arrest Judgment.

Certificate of Judgment and Order to be recorded by the Clerk of the Crown.

Certificate of such Entry, delivered by him to Provost Marshal or Gaoler, shall be sufficient warrant to execute judgment, or discharge a person Convicted.

In cases of discharge, Recognizance to be vacated at the next Court of Grand Sessions.

CL. XIII.
Certificate may be sent back for amendment, and Judgment to be delivered accordingly.

CL. XIV.
On sufficient cause shown to Attorney-General, Writs of Error returnable in any criminal case before the Judges of the Court of Appeal only.

If Judgment be reversed, the Court may pronounce the proper Judgment, or direct the Court to do so.

CL. XV.
Copies of such Judgments, &c., certified under the hand of the Registrar, to be sufficient Evidence.

CL. XVI.
Competent for three or more of the Judges to make Rules for the Court. Rules to be submitted to the Governor in Council for approval.

No. 142.
24th December, 1857.

Rules not to take effect
until two months after
such Approval.

Rules may be disallowed
by Her Majesty in Council.

CL. XVII.
Costs of such proceedings
to be paid by the
persons whom the
Court may direct, and
be taxed by the Registrar
under direction of
the Court.

CL. XVIII.
Judgments, &c., to be
enforced by Writs,
under the hand and
seal of the same Officer
whose duty it is to
issue such Writs in the
Court appealed from.

CL. XIX.
Governor to draw on Treasurer
for any sum not exceeding
175*l.* each year, to defray
Expense of Appeal
Court.

CL. LX.
Any person uttering
forged or altered Certificate,
or certified copy thereof,
to be guilty of Felony, and
be liable to transportation
or imprisonment.

CL. XXI.
Salary of Chief Justice of
this Island not to be affected
by his absence in the
performance of the
duties of the Appeal Court.

CL. XXII.
Member of Assembly
appointed to act as
Chief Justice, during
absence of Chief Justice
not to vacate his
seat.

made as aforesaid shall be laid before the Governor in Council, for the time being, for his approval and sanction; and no such Rule, order, or regulation shall take effect or be of any force whatever until two months after the same shall have been so laid before the Governor for his approval and sanction: *Provided always*, That it shall be lawful for Her Majesty in Council to disallow any such Rule, order, or regulation.

As well the costs of defending any Judgment, order, or other determination appealed from, as of prosecuting any Appeal, or in any matter intervening in any cause of appeal, and the costs on either side or of any party to the subject matter of appeal, and the cost of opposing any matter which shall be referred to the said Court, shall be paid by such party or parties, person or persons, and in such proportions as the Court shall order, and such costs shall be taxed by the Registrar, under the order and direction of the Court.

The Judgments, orders, and sentences of the Court of Appeal shall and may be enforced in this Island by all necessary writs, under the hand and seal of the Judge, or Officer whose duty it may be to issue similar writs in the Court wherein the judgment, order, or sentence, against which the appeal was made, was first pronounced.

It shall be lawful for the Governor to draw upon the Treasurer of the Island for any sum, not exceeding in any one year the sum of One Hundred and Seventy-five Pounds, as may be requisite to defray a just proportion of the expenses of the said Court.

Every person who shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to have been forged or altered, any certificate of or copy certified by the Senior Judge or Judges presiding at the time, or any certificate of or copy certified by the Registrar of the said Court or his Deputy, with intent to cause any person to be discharged from custody or otherwise prevent the due course of Justice, shall be guilty of Felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for any term not exceeding ten years, or to be imprisoned for any term not exceeding three years, with or without hard labour and solitary confinement, both or either, at the discretion of the Court.

The right of the Chief Justice of this Island to his full salary, as Chief Judge, shall not be in any way affected by his absence from the Island while in the performance of his duties as a Judge of the said Court of Appeal, any Law or Statute to the contrary notwithstanding.

And whereas doubts may arise whether the appointment of a Member of the Assembly to act as Chief Judge of this Island during the absence of the Chief Judge on duty as such Judge of the Court of Appeal as aforesaid, would not vacate the seat of such Member of Assembly; *Be it enacted*, That no Member of the said General Assembly who may be appointed to act as aforesaid shall be deemed by the acceptance of such office to have vacated his seat in the said General Assembly.

SCHEDULE.

WHEREAS at the sitting of the Court of Grand Sessions of the Peace, held at Kingstown, for the Island of St. Vincent and its Dependencies, on the day of _____, one thousand eight hundred and _____, before _____, *A. B.*, late of _____, having been found guilty of _____ and judgment thereupon given that [state the substance], the Court reserved a certain question of Law for the Judges of the Court of Appeal, and Execution was thereupon respite in the meantime.

This is to certify that the said Judges, having met and held a Court at Kingstown aforesaid, on the day of _____, one thousand eight hundred and _____, it was considered by the said Judges there that the said judgment should be annulled, and an Entry made on the Record that the said *A. B.* ought not, in the judgment of the said Judges, to have been convicted of the _____ aforesaid, and you are therefore hereby required forthwith to discharge the said *A. B.* from your custody.

To the Gaoler of _____ and the Provost Marshal and all whom it may concern.

C. D.,

Registrar of the Court of Appeal.

No. 143.

An Act to repeal the several Acts relating to the Colonial Hospital, and to make other Provisions in lieu thereof. [9th March, 1858.]

WHEREAS Her Majesty's Government appropriated a sum of money for the erection of a Colonial Hospital, on condition that the Legislature should provide land for the building of the same thereon and an annual charge for the support thereof, which was accordingly done, but the annual grant of Two Hundred Pounds has not been found sufficient for the support of such Hospital: *Be it and it is hereby enacted* by the Governor, Council and Assembly of the said Island of St. Vincent and its Dependencies, as follows:—

On the day on which this Act shall come into operation, the Act of the twenty-third day of November, one thousand eight hundred and forty, intituled "An Act to appropriate a certain piece of land formerly laid out as a burial-ground for the erection of an Hospital thereon, and to provide an annual charge for the support of the same," and the Act of the twenty-ninth November, one thousand eight hundred and forty-three, intituled "An Act to provide for the appointment of a Chairman and Committee to regulate and manage the Colonial Hospital, and to provide General Rules for the regulation of the same," shall be and the same are hereby respectively repealed.

That the building heretofore used as the Colonial Hospital shall be and continue to be used for that purpose.

It shall be lawful for the Governor, from time to time, to appoint a Chairman of the said Colonial Hospital and appoint six other persons to act jointly with the said Chairman as a Committee to regulate and manage the said Hospital, and also from time to time to fill up any vacancies that may occur in that number, by death, resignation, or absence of any person so appointed, and to remove any such Chairman or any member of such Committee, and to appoint another or others in his or their stead.

The Committee are hereby authorized to appoint a Deputy Chairman, and any three of such Committee, one of whom shall be the Chairman or Deputy Chairman, shall constitute a quorum for the transaction of the necessary business.

That a Medical Officer shall be appointed by the Officer administering the Government for the time being, on the recommendation of the Committee, to attend the patients of the Hospital; who shall be paid out of the annual grant of the Legislature to the Hospital, hereinafter provided for, an annual salary at the rate of Fifty Pounds, payable quarterly; and such Medical Officer shall hold his office at the will and pleasure of the Officer administering the Government for the time being.

The Committee shall appoint such Hospital Servants for performance of the necessary duties thereof as they may consider necessary, and remove such servants and appoint others from time to time, and pay them such wages and salary as they may deem sufficient.

The Committee shall and they are hereby authorized to frame Rules and Regulations for their guidance and the good government and management of the said Hospital, and from time to time, to vary, alter, and amend any of such Rules or Regulations, or annul the same, and to frame others in their stead or add to the same as they may deem expedient and proper; and all such Rules and Regulations as aforesaid, when approved and sanctioned by the Governor in Council, shall thereupon be valid, legal, and binding, on all persons as though the same were incorporated in and formed part of this Act.

All such Rules and Regulations, when approved, shall be published in the Official Gazette of this Island at the public expense, and a copy thereof shall at all times be kept affixed on some public and convenient part of the Hospital for inspection.

The Hospital shall be open for the reception of persons labouring under debility or disease requiring medical treatment, under such conditions as the Committee shall by their Rules and Regulations declare; lepers and those afflicted with the yaws excepted.

Preamble.

CL. I.
Repeals Act of 23rd November, 1840, and Act of 29th November, 1843.

CL. II.
Building formerly used as Hospital to be continued to be so used.

CL. III.
Governor to appoint a Chairman and Committee to manage Hospital.

CL. IV.
Committee to appoint a Deputy Chairman; Three to form a quorum.

CL. V.
Governor to appoint Medical Officer on recommendation of Committee, salary 50*l*.

CL. VI.
Committee to appoint Hospital Servants, and pay wages.

CL. VII.
Committee to frame Rules and Regulations, to be approved and sanctioned by Governor.

CL. VIII.
Rules and Regulations, when approved, to be printed in Gazette, and copy exhibited in the Hospital for inspection.

CL. IX.
Patients to be admitted under certain conditions.

No. 143.
9th March, 1858.

CL. X.

Treasurer to pay, by warrant of the Governor, to the Chairman, in quarterly payments, the annual sum of 300*l*.

CL. XI.

Committee to furnish to the Legislature Account made up to 31st December in every year.

CL. XII.

Short title of Act.

CL. XIII.

When Act to come into operation.

There shall be paid to the Chairman of the said Hospital for the time being, by the Treasurer, in quarterly payments payable in advance under warrant of the Governor, the annual sum of Three Hundred Pounds, commencing from the first day of April, one thousand eight hundred and fifty-eight, for the purpose of defraying the expense of the Hospital and paying the salaries and wages of the officers and servants thereof, which said sum shall be an annual charge on the general revenue of the Colony.

The Committee of Management shall furnish an account of the annual receipts and expenditure of the establishment, made up to the thirty-first day of December in every year, to the Legislature annually in the month of January.

In citing this Act it shall be sufficient to say "The Hospital Act, 1858."

This Act shall come into operation on the day of the publication thereof.

No. 144.

An Act to provide for the Vacancies in the Office of Stipendiary Magistrates.
[10th March, 1858.]

Preamble.

WHEREAS Edwin Polson and William McPherson Nicol, two of the Stipendiary Magistrates of this Colony, have lately died, and it is desirable that the duties performed and jurisdiction exercised by them should be transferred to the Police Magistrates of this Island in their respective districts, and that provision should be made, in like manner, in respect of the duties now performed by Robert Sutherland Esquire, upon his ceasing to hold the office of Stipendiary Magistrate in this Island.

CL. I.
Duties performed heretofore by Stipendiary Magistrates to be performed by Police Magistrates.

Be it therefore enacted by the Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, That it shall be lawful for the Governor to nominate and appoint the Police Magistrates of the several Districts of Kingstown, Calliaqua, Leeward, and the Grenadines, to execute and perform all and singular the duties of Stipendiary Magistrates within the same, and each such Magistrate when so appointed shall have and exercise the power, jurisdiction, and authority heretofore exercised by a Stipendiary Magistrate within the same districts respectively under and by virtue of any Legislative Act or Acts in force within this Government; and such Magistrates respectively shall have and enjoy the privileges given or conferred, by virtue of any Act or Acts in force within this Government, upon Stipendiary Magistrates.

CL. II.
Upon Robert Sutherland ceasing to hold office, duties to be performed by Police Magistrates.

That upon Robert Sutherland Esquire ceasing to hold the office of Stipendiary Magistrate in this Island, it shall be lawful for the Governor to nominate and appoint the Police Magistrate of the Windward District to execute and perform all and singular the duties of a Stipendiary Magistrate within the said district; and such Magistrate, when so appointed, shall in like manner have and exercise all and singular the powers aforesaid in the Windward District; and shall in like manner enjoy the privileges given or conferred by virtue of any Act or Acts in force within this Government upon Stipendiary Magistrates.

CL. III.
Nothing in this Act contained to affect "Appeal Act of 1857."

Provided always, That nothing herein contained shall alter or abridge the provisions of the "Appeal Act against Summary Convictions, 1857."

CL. IV.
Time limited for entering Complaints, not to commence to run until publication of this Act.

That in respect to all Offences and matters of Complaint which may have arisen or occurred since the first day of December last past, the time limited for entering any information or complaint for the same shall commence to run only from the day of the Publication of this Act, anything contained in any Act of this Colony to the contrary notwithstanding.

CL. V.
Fees under this Act to be same as under Police and other Acts giving jurisdiction to Police Magistrates.

That from and after the passing of this Act the same fees now taken and received in the Police Courts of this Island shall be demanded, taken, and received in all proceedings had and taken under and by virtue of any Acts of the Legislature of this Colony giving jurisdiction to Stipendiary Magistrates, and all such fees when received shall be paid into the Public Treasury

by the Magistrates receiving the same, for the use of the Colony; and no Magistrate shall be compelled to hear and entertain any matter of Complaint until the Fees payable in respect of the same shall be first paid; and all such Magistrates shall have power and are hereby authorized to allow to either Complainant or Defendant in any proceedings before them, as costs therein, reasonable sums of money for the attendance of themselves and their Witnesses at the hearing of any Information, Matter or Complaint, and to order the payment of the same, and upon nonpayment thereof to make order for the imprisonment, for any period not exceeding thirty days, of the person or persons so disobeying such Order.

That, in consideration of the increase of Duties imposed by this Act upon the Police Magistrates, there shall be paid to each of the Police Magistrates of the Kingstown, Calliaqua, and Leeward Districts, from the date of their appointment to the office of Stipendiary Magistrate, as an increase to their present salaries, the annual sum of Forty Pounds; and to the Police Magistrate of the Grenadine District the annual sum of Twenty Pounds, and to the Police Magistrate of the Windward District the annual sum of Forty Pounds, on and from the said Robert Sutherland ceasing to hold the office of Stipendiary Magistrate in this Island.

No. 144.
10th March, 1858.

CL. VII.
Addition to Salaries of
Police Magistrates.

No. 145.

An Act to grant an Annual Sum of Money in Perpetuity towards the Support of Out-door Patients of the Colonial Hospital, in consideration of a Sum of Money paid into the Colonial Treasury.

[7th August, 1858.]

WHEREAS a sum of Three Hundred and Sixty Pounds sterling is now in the hands of a Bazaar Committee, having been raised in the year one thousand eight hundred and fifty-six by private exertions with the view of establishing an Orphans' House, which being found impracticable to accomplish, it has been deemed advisable to endeavour therewith to aid the Directors of the Public Hospital [and] in providing funds for the relief of Out-door Patients; and it has been proposed to the Legislature to pay the said sum of money into the Colonial Treasury to be expended in some generally useful Public Work, on condition that an annual sum should be appropriated in perpetuity in aid of the Hospital Funds as hereinafter mentioned: *Be it therefore enacted* by the Governor, Council, and Assembly of this Island of St. Vincent, and its Dependencies, as follows, that is to say:—The Treasurer is hereby authorized and required to receive from the said Bazaar Committee, and to give certificate of payment into the Treasury, of the said sum of Three Hundred and Sixty Pounds sterling; such sum to remain in his hands to a separate account, subject to such special appropriation thereof as shall hereafter be made by the Legislature: And, on production of such certificate of the Treasurer to the Governor, he is hereby authorized to issue his warrant to the Treasurer, and in perpetuity, for payment of the sum of Thirty Pounds *per annum*, in quarterly payments, to the Directors of the Colonial Hospital for the time being, to be by them expended in affording relief to Out-door Patients, a list of whom shall be from time to time kept in the Books of the said Hospital.

In the event of there being no Hospital Directors, and during any such period, the said quarterly sum shall be payable by Warrant as aforesaid to Three Commissioners to be named from time to time by the Governor, President of Council, and Speaker of Assembly, to be divided amongst poor and Indigent Persons of such class and description as, if there were a Hospital, would be eligible to be admitted as Out-door Patients.

Preamble.

Treasurer to receive and give Certificate of Payment into Treasury by Bazaar Committee of 360l.

Governor to issue Warrant quarterly for payment of 30l. per annum, to Hospital Directors, for Relief of Out-door Patients.

If no Hospital Directors, said sum to be paid to, and appropriated in like manner, by Commissioners.

No. 146.

An Act to authorize the Erection of a Public Landing Place in the Bay of Kingstown; to appropriate a Sum of Money for that purpose; and to appoint Commissioners to carry out the same.

[7th August, 1858.]

[Amended by Act 23rd April, 1860.]

WHEREAS it is absolutely necessary, as well for the comfort and convenience of the inhabitants of this Colony, and of strangers resorting hereto, as for the landing of the Public Mails, that a Landing Place should be erected on the shore of the Bay of Kingstown; *And whereas* a sum of Three Hundred and Sixty Pounds hath lately been paid into the Public Treasury (having been raised by private exertion) on condition that the same should be expended on some Public Work of general utility; and the same remaining in the Treasury subject to appropriation by Act of the Legislature, [and] it is deemed that a Public Landing Place in the Principal Town of the Island is strictly within the meaning of such condition; *And whereas* the said sum is insufficient for the above purpose, and it is necessary that a further sum should be appropriated to effect the same.

Be it therefore enacted by the Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, that on and after the passing of this Act, the said sum of Three Hundred and Sixty Pounds shall be, and the same is hereby, appropriated towards the erection of a Public Wharf or Landing Place on the Bay of Kingstown, and shall be payable and paid by Warrant of the Governor to the Commissioners for the time being acting in execution of this Act, at such time or times and in such manner as shall be required to carry on the Work hereby contemplated.

That in addition to the aforesaid sum, and on the same being expended on the work aforesaid, the Governor is hereby authorized to issue his Warrant or Warrants, from time to time as occasion may require, for payment to the said Commissioners of any sum not exceeding in the whole, in addition to the said sum of Three Hundred and Sixty Pounds, the sum of Three Hundred and Sixty Pounds for completing the said Public Work.

That it shall be lawful for the Commissioners hereby appointed to select such site on the Bay, in the Town of Kingstown, as to them shall seem most suited and convenient for the erection of the said Public Landing Place; provided such selection does not interfere with the rights of Private Property. *Provided always*, That on such site being selected the said Commissioners shall, before entering on the Work thereat, give at least three months' public notice of such site having been selected, in order to afford time to parties who may be affected thereby to object to the same, and at the expiration of such three months the said Commissioners shall submit the selection so made, together with any objection made to the same, to the Governor in Council for approval or consideration; and that at the site so selected and approved of the said Public Landing Place shall be erected.

That the said Commissioners shall have power, with the consent of the Governor, to Contract on the part of the Public, and to the extent of the means provided by this Act, with all person and persons willing to enter into Contracts for the erection of such Landing Place or any part or parts thereof; and all such Contracts shall be binding on the Public and Government of this Colony to the extent aforesaid; and the Commissioners shall not, whilst acting within the scope of their authority, be individually liable in respect of any such Contract.

That all materials, tools and implements, and articles used in erecting such Landing Place, and the said Landing Place during its erection and also when completed, shall, for the protection thereof and for all legal purposes whatsoever, be and be deemed to be vested in the said Commissioners, until an Act of the Legislature shall be passed for finally vesting the same and making provision for the maintenance and regulation thereof.

That when and so soon as the said Landing Place shall be erected and completed the Commissioners hereby appointed or acting in execution of

this Act shall certify the same to the Governor for the purpose of being laid before the Legislature.

That it shall not be lawful for any person to make use of, or land at, or embark from the said Landing Place, or to deposit any goods of any description thereon during the course of its erection, or until it shall have been declared open for the use of the Public, and if any person shall land at the same or embark therefrom, or deposit any goods thereon, contrary to the provisions of this Act, he or she shall, on conviction, be deemed guilty of a petty and annoying Trespass, within the meaning of "The Summary Offence Act, 1854," and shall be liable to the penalty under the said Act, for a Petty Offence.

* * * * *

No. 146.
7th August, 1858.

CL. VIII.
[Appointment of Commissioners repealed.
See Act 23rd April, 1860.]

No. 147.

An Act to repeal certain Clauses of an Act, entitled "An Act to alter the Law of Contracts with regard to Immigrants, and for the Encouragement of Immigration, and for the General Regulation of Immigrants;" and to make other Provision in lieu thereof, and further to Amend the said Act.
[22nd October, 1858.]

WHEREAS the thirteenth Section of an Act, entitled "An Act to alter the Law of Contracts with regard to Immigrants, and for the Encouragement of Immigration, and for the General Regulation of Immigrants," by an oversight sanctions Contracts with Immigrants for an indefinite period, which was contrary to the intention of the Legislature; for remedy whereof, and for altering and amending the said Act in other particulars, *Be it enacted*, by the Governor, Council, and Assembly of the Island of St. Vincent, as follows:—

Preamble

That the said thirteenth Clause, and also the fourteenth, fifteenth, sixteenth, twenty-second, and thirty-sixth Sections of the said recited Act shall be, and the same are hereby repealed; and in lieu thereof, *It is enacted*, and declared as follows, that is to say: if any labourer, not being an Immigrant in respect of whom bounty shall be claimed, arriving in this Colony from Madeira, the Azores, the Canaries, or the Cape De Verd Islands, or from any part of Europe, or of the West Indies, or of the United States of America, or of the British provinces of North America, or from any port or place from which Immigration on bounty shall have been permitted by Proclamation issued under the authority of the said recited Act, except from any place mentioned in the twelfth Clause of the said Act, shall before his arrival have contracted with any person to perform service in this Colony, such Contract shall, when approved and countersigned by the Immigration Agent and subject to such alterations as the said Agent may, with the consent of the parties, have made therein, be valid in this Colony for the full period named in such Contract, not exceeding Three Years, provided such Contract, or the the same with such alterations thereto as aforesaid, be not in violation of any of the provisions of the said recited Act or this Act, and provided that, except as hereinafter mentioned, no such Contract shall be so approved or countersigned unless it shall have been signed with the names or marks of the contracting parties, and attested by some Notary Public or British Consul, or by some other person approved by or acting under authority of Her Majesty's Government, who shall declare that the parties entered into it voluntarily and with a full understanding of its meaning, nor unless the Immigration Agent shall be satisfied that the immigration has been carried on in accordance with all existing regulations of the Imperial or Colonial Government.

CL. I.
Repeals 13th, 14th, 15th, 16th, 22nd, and 36th Sections of "An Act to alter the Law of Contracts with regard to Immigrants, and for the Encouragement of Immigration, and for the General Regulation of Immigrants."

If the Immigration Agent shall not be satisfied, or shall find the Contract not to be so signed and attested as aforesaid, he shall report the same to the Governor, who may, if he shall think fit, notwithstanding such

CL. II.
The Governor may direct Immigration Agent to approve Contract.

No. 147.
22nd October, 1858.

CL. III.
Form of Indenture.

report, direct the Immigration Agent to approve and countersign such Contract in manner aforesaid.

Every Immigrant from the Island of Madeira, from any of the Islands of the Azores, or the Cape de Verd or Canary Islands, or from Her Majesty's dominions in the East Indies, or from the Possessions of the East India Company, or from China, or from any part of the African Continent from which immigration shall be permitted by Her Majesty's Government, who shall not before arrival have entered into contract to be approved as aforesaid, and every Liberated African of the first class shall be indentured in the form in the Schedule annexed to the said hereinbefore recited Act marked B, for a period of Three Years from the date of his arrival, and every such Immigrant other than one from the African Continent or a Liberated African, shall, at the end of the said three years, enter into a second Indenture with the same or some other Employer for a further term of Two Years, or shall pay in commutation thereof the sum hereinafter in that behalf mentioned, but every such Immigrant entering into such second Indenture shall be entitled at the expiration of one year's service under such Indenture to pay in commutation of the remaining year's service the sum hereinafter in that behalf mentioned.

CL. IV.
Commutation for Service.

Every Immigrant, other than one from the African Continent or a Liberated African, who shall elect to pay a sum of money in commutation of service under Indenture, shall pay in commutation of two years' service the sum of Five Pounds Sterling, and in commutation of one year's service the sum of Two Pounds Ten Shillings, and if any such Immigrant shall fail to declare to the Immigration Agent, or to the Police Magistrate, or if there be no Police Magistrate to the presiding Justice of the Peace of the Police District in which such Immigrant may be then resident, not less than one nor more than three months before the expiration of the Indenture under which he may be then serving, whether he desires to be re-indentured, or indentured to some other Employer for the remaining two years, or whether he will pay in commutation of service under Indenture the sum of money enacted for commutation of service as aforesaid, or having elected to enter into a fresh Indenture, or to pay in commutation of such service, shall fail to be indentured or to pay the sum of money appointed for such commutation of service to the Immigration Agent or to the Police Magistrate of the District in which such Immigrant may be then residing, at least fourteen days before the expiration of the Indenture under which he may be then serving, such Indenture so entered into for three years shall thereupon be deemed to be renewed in like manner as if such Immigrant had applied to be re-indentured. And the Immigration Agent, or such Magistrate, as the case may be, shall, within eight days after such election, and after such payment in commutation of service as aforesaid by such Immigrant, notify the Employer of such Immigrant of such election or payment respectively, for his guidance in that behalf.

CL. V.
Bounty to be paid by Employer of Immigrants.
[Amended by Act 2nd April, 1862.]

Every Employer to whom any Immigrant shall be indentured on arrival in this Colony, as provided by the said hereinbefore recited Act or this Act, shall on or before the execution of such Indenture pay to the Public Treasurer one-half the bounty or passage-money which shall be due or shall have been paid in respect of such Immigrant, and if at the expiration of the third year of Contract of any Immigrant, or of Indenture of any Immigrant under the form B to the said recited Act annexed, such Immigrant, whether such Immigrant be imported at the Public expense, or under private Contract according to the provisions of the fourth Clause of the said recited Act, shall not at the expiration of the third year of his service under Contract or Indenture as aforesaid re-indent himself to his said or some other Employer for two years' further service, but shall pay the sum of money hereinbefore in that behalf mentioned and provided for commutation of such two years' service, then and in such case such first employer shall be entitled to demand from the Treasurer of this Colony, and shall receive out of the Immigration fund, a sum of money equal to one-fifth of the aforesaid bounty or passage-money of such Immigrant, and if such Immigrant shall re-indent himself for the further period of two years, or continue

in the service of his said employer beyond the period of three years under his said first Indenture or Contract, but at the expiration of his fourth year of service, or of the first year under the second Indenture, shall pay the sum of money hereinbefore enacted for commutation of his fifth year of service under Indenture, then and in such case such Employer shall be entitled to demand from the said Treasurer and shall receive out of the said Immigration Fund a sum of money equal to one-tenth of the aforesaid bounty or passage-money of such Immigrant: *Provided always*, If such Immigrant shall, at the expiration of his three years' service, re-indent himself to some other employer than his first employer, instead of paying the commutation money or re-indenting himself to his first employer, such first employer shall be entitled to receive the same sum of money from the Treasurer as hereinbefore provided in case such Immigrant had commuted his further term of service, and the person to whom such Immigrant shall indent himself for the two remaining years shall, before the Indenture be approved or countersigned, pay a like sum of money into the Public Treasury for the purposes of the Immigration Fund, and no such second Indenture shall be deemed valid unless such sum of money be so paid, and such payment shall be indorsed on the Indenture: and *Provided also*, If such Immigrant shall, at the expiration of the first year of his second Indenture pay the sum of money hereinbefore in that behalf mentioned as commutation for his last year of service, the person to whom he shall be then under Indenture shall be entitled to receive from the Treasurer the said sum of money equal to one-tenth of the said bounty.

If it shall be established before any two Justices of the Peace, on Complaint preferred by any Indentured Immigrant, that such Immigrant is not provided by his employer with sufficient work to enable him to earn a just amount of wages in terms of his Contract, such Justices shall declare and adjudge the Contract or Indenture of such Immigrant to be thereby cancelled; and thereupon it shall be lawful for the Governor to cause such Immigrant to be indentured to some other Employer, who shall be required to pay such sums as may be the due proportion of the bounty or passage money for the unexpired period of the term of service transferred by him; the original employer and his estate remaining liable, however, for such sum or sums as may be due for the expired term or proportion of the whole period of service, as expressed in the original Contract or Indenture.

And whereas, by an Act entitled "An Act to continue in force two several Acts of the Island of St. Vincent, entitled respectively 'An Act for regulating rights of Masters and Servants, and for the better enforcement of Contracts,'" and "An Act for promoting and encouraging the Immigration of Labourers into the Colony of St. Vincent, and for regulating Contracts to be entered into with them, made and passed in the year one thousand eight hundred and fifty-two," and which was permanent, the said recited Acts were made perpetual: *Be it therefore enacted*, That so much of the said lastly recited Act as continues in force and makes perpetual the said Act, entitled "An Act for promoting and encouraging the Immigration of Labourers into the Colony of St. Vincent, and for regulating Contracts to be entered into with them," shall be, and the same is hereby repealed.

And whereas the provisions of the Act of the said Island intituled "An Act for regulating rights of Masters and Servants, and for the better enforcement of Contracts," are in many respects at variance with the provisions of the Immigration Act, 1857, but it is intended that both should remain in full force and operation: *Be it therefore enacted*, That nothing in the said Immigration Act, 1857, shall be construed to work a repeal of any of the provisions of the said firstly mentioned Act, but that all and every the several enactments and provisions of the said Act for regulating rights of Masters and Servants, and for the better enforcement of Contracts, shall be, and remain in full force, and be and remain applicable to Contracts between Masters and Servants, such servants not being Immigrants within the meaning of the said Immigration Act, 1857, and that the several enactments and provisions of the said Immigration Act, 1857, and this present Act shall be exclusively applicable to Immigrants and their Employers.

No. 147.
22nd October, 1858.

Proviso.
If after the first term of Service, Immigrant re-indent himself to a new Employer, the original Employer to receive compensation from the Treasurer. The new Employer paying a like sum into the Treasury to the Immigration Fund.

If Immigrant pay commutation after his first term of Service, his Employer shall receive from the Treasurer a sum equal to one-tenth of bounty.

CL. VI.
Employer failing to provide Employment.

CL. VII.
Repeals so much of Act 1852 as makes permanent the Immigration Act of 1847.

CL. VIII.
Immigration Act, 1857, not to be read as repeal of Masters and Servants Act, 1839.

Provision of Masters and Servants Act, 1839, to remain applicable to Servants, not being Immigrants.

Provisional Immigration Act, 1857, to be applicable to Immigrants only.

No. 147.
22nd October, 1858.

CL. IX.
Short titles of Immi-
gration Acts.

CL. X.
Provisions of Immi-
gration Act, 1857, ex-
cept such as are re-
pealed, to be applicable
to this present Act.

That the said hereinbefore recited Act, intituled "An Act to alter the Law of Contracts with regard to Immigrants, and for the encouragement of Immigration, and for the general regulation of Immigrants, shall be cited as "The Immigration Act, 1857," and this present Act shall be cited as "The Amended Immigration Act, 1858."

That all and every the provisions of the Immigration Act, 1857, except such as are hereby repealed, shall and are hereby declared to be applicable to this present Act, and all proceedings under the same, and the provisions of this present Act shall and the same are hereby declared to be applicable to the said Immigration Act, 1857, and to all proceedings under the same, and the said Immigration Act, 1857, and this present Act shall be read and construed as one Act.

No. 148.

An Act to consolidate and amend the several Acts relating to Trespasses by Cattle and other Stock. [29th October, 1858.]

CL. I.
[Repeal.]

WHEREAS it is expedient to repeal the several Acts regulating the Impounding of Cattle and other Stock, and to make other provisions in lieu thereof; *Be it therefore enacted, and it is hereby enacted by the Governor, Council, and Assembly of this Island and its Dependencies, as follows: That all and every the Acts and part of an Act mentioned in the Schedule hereunto annexed shall be and the same are hereby repealed.*

CL. II.
[Title of Act.]

That this Act shall, for all purposes whatsoever, be cited as "The Stock Trespass Act, 1858."

CL. III.
[Owners, &c., of Land
may impound Cattle
trespassing.]

From and after the passing of this Act it shall and may be lawful for the owner or occupier of any land within this Colony or any of its Dependencies, or his servant, to seize and take, or cause to be seized and taken, any Stock trespassing upon such land, and to impound, and detain the same so impounded in some place on such land until the owner or claimant of such Stock shall pay for the capture and impounding, and for the damage, if any, done by such Stock at the rates or in the manner hereinafter mentioned; and if such Stock so trespassing as aforesaid cannot be taken on such land to be impounded, it shall be lawful for such owner or occupier as aforesaid, or his servant, to follow and pursue such Stock into any other place where such Stock may go, for the purpose of securing the same; provided that in so doing no actual damage is likely to arise or be done to the property of the person through or on whose land the person in pursuit of such Stock may pass.

CL. IV.
[Police Officers, &c.,
may impound stray
Cattle.]

It shall also be lawful for any Police Officer or Sworn Constable, or for the owner or occupier of the adjacent land to seize any Stock which shall at any time be found straying, or tied, or being depastured, on any highway, and to take such Stock to the Police Station of the district, and deliver the same to the Officer or Constable in charge of such Station, who shall impound such Stock at such Police Station as aforesaid, and keep and detain the same impounded until the owner or claimant of such Stock shall pay the rate or penalty hereinafter mentioned, or until the said Stock shall be sold or disposed of in the manner in that behalf hereinafter provided; *Provided always*, That the person seizing any such Stock shall be at liberty, if he think fit, to deliver the same to the Pound-keeper in charge of the Public Pound nearest to the place whereat such Stock shall be seized, who shall impound such Stock and keep and detain the same impounded until the owner or claimant shall pay the rate or penalty aforesaid, or such Stock shall be sold pursuant to the provisions of this Act; and *Provided also*, That if it shall appear to the satisfaction of the Magistrate of the district that any such Stock so impounded escaped from any enclosure by the gate or fence thereof having been wilfully or negligently left open or destroyed by any person not being the owner or occupier of such enclosure, nor employed by such owner or occupier, or that it arose from mere accident and was not wilful, then and in such case the said Police Magistrate may remit the penalty or rate aforesaid.

If the owner of any Stock as aforesaid, so trespassing or straying, tied, or being depastured as aforesaid, and impounded as aforesaid, shall be known to the distrainer, the distrainer shall as soon as possible after making the distress give notice in writing thereof to such owner; but if such owner shall not be known, then such notice shall be given to the Police Magistrate of the district, by leaving the same at the several Police Stations in the district.

If the owner of any such Stock as aforesaid, so trespassing or straying, tied, or being depastured as aforesaid, and impounded as aforesaid, be unknown to the distrainer, the distrainer shall as soon as possible after making the distress give notice thereof in writing to the Police Magistrate of the district, and shall also immediately affix a copy of such notice on some conspicuous spot on or near the highway nearest to the spot where such Stock was found trespassing, straying, tied, or being depastured; and such notice as aforesaid shall be considered, for all purposes of this Act, sufficient legal notice to the owner of such Stock.

Every such notice hereinbefore mentioned shall contain a description of the Stock taken and impounded, specifying its distinguishing marks, if any, and shall state the day on which the same was impounded and the highway on which such Stock was found straying, tied, or being depastured, or the name of the owner or occupier of the land on which such Stock was found trespassing, as the case may be; and no owner or occupier seizing and impounding any such Stock so straying or trespassing on lands owned or occupied by him who shall neglect to give such notice as aforesaid shall be entitled to demand of the owner of such Stock the additional or further sum of money hereinafter mentioned and allowed for each day after the first day any such Stock as aforesaid shall be kept and detained impounded; and no owner or occupier of land adjacent to any highway, Police Officer, or Sworn Constable seizing and impounding any such Stock found straying, tied, or being depastured, who shall neglect to give such notice as aforesaid, shall be entitled to demand of such owner of such Stock the sum of money hereinafter mentioned and allowed for taking such Stock to such Police Station as aforesaid or Public Pound.

Immediately on the receipt of such notice as hereinafter provided for from such distrainer as aforesaid, the Police Magistrate or Constable respectively in charge of such Stations of the district shall cause to be affixed on some conspicuous place near the front door of the Station House or Station Houses of the district, for seven days before the sale hereinafter mentioned, a copy of such notice in legible characters.

The owner or claimant of any such Stock so trespassing and impounded as aforesaid shall forfeit and pay to the owner or occupier of the land so trespassed on as aforesaid compensation for the damage done, if any, according to the following rate:—For every Horse, Mule, Ass, Mare, Gelding, Bull, Cow, Ox, Heifer, or Calf, for the first day Two Shillings, for every day after the first that such Stock shall be kept and detained impounded the additional sum of One Shilling; for every Entire Horse, Mule, or Ass, treble the rate aforesaid; for every Sheep, Goat, Pig, or other Live Chattel, for the first day One Shilling, for every day after the first that such animal shall be kept and detained impounded Sixpence; and the owner or claimant of any such Stock so straying, tied, or being depastured and impounded as aforesaid shall forfeit and pay to the person seizing such Stock and delivering the same to the Serjeant or Constable in charge of the Police Station as aforesaid the sum of Two Shillings if such Police Station or Public Pound be within one mile from the place where such Stock shall be found so straying, tied, or being depastured, and if a greater distance the sum of Sixpence for every additional mile, and to the Police Magistrate of the district the rate hereinafter mentioned, to be by him paid to the Treasurer of the Island for the general uses of the Colony.

If the owner or occupier of the land upon which any such Trespass as aforesaid shall be committed cannot take and impound such Stock so trespassing as aforesaid, or shall deem the rate hereinbefore mentioned insufficient to satisfy the expense of keep and the actual damage done by such

No. 148.
29th October, 1858.

CL. V.
[Notice to be given.]

CL. VI.
Notice to Police Magistrate, if owner of Stock be unknown, to be considered sufficient notice for purposes of Act.

CL. VII.
Notice to contain a description of Stock, and marks, and to state time and place of impounding; no Distrainer to be entitled to demand any money for keep if he has neglected to give due notice.

CL. VIII.
Police Magistrate, on receipt of Notice, to affix same on some conspicuous place near front door of Police Office.

CL. IX.
Fees to be paid by owner or claimant of Stock found trespassing, &c.

CL. X.

No. 148.
29th October, 1858.

Trespass, the Police Magistrate of the district shall, upon the application of such owner or occupier, issue a Warrant under his hand and seal, directed to any two competent persons resident within the district, requiring them to attend at the time and place mentioned in such Warrant and appraise such damage and cost of keep *per day*, and to make such Police Magistrate, within three days after the issuing of such Warrant, a return of such appraisement on oath, which oath the said Police Magistrate is hereby authorized and required to administer; and every such owner or occupier as aforesaid shall be entitled to demand and receive, and every owner or claimant of such Stock shall forfeit and pay, to such owner or occupier as aforesaid the amount of such appraisement instead of the rate hereinbefore mentioned: *Provided always*, That such amount shall not exceed Five Pounds: *Provided also*, That no such appraisement shall take place without twelve hours' previous notice given to the owner of the Stock trespassing as aforesaid, or left at the usual place of abode of such owner, if known, or affixed on some conspicuous place in front of the Police Station, as in the case of distress, as hereinbefore provided for, if such owner of such Stock should be unknown.

CL. XI.
If owner of Stock found trespassing refuse to pay the rate or amount of appraisement of damage, Stock to be sold at public Auction in front of Police Station.

If the owner of any Stock so trespassing and impounded shall not within Three Days after due notice of the distress having been made, pay to the owner or occupier of the land trespassed upon the rate or the amount of the appraisement hereinbefore mentioned, as the case may be, or if the owner of any Stock so straying, tied, or being depastured on any highway and impounded, shall not within the time hereinbefore specified pay to such owner or occupier of land adjacent to such highway, or to such Police Officer or Sworn Constable as aforesaid the sum of money hereinbefore provided and allowed for taking such Stock to the Police Station or Keeper of the Public Pound, and to the Police Magistrate of the district the rate hereinbefore mentioned and allowed, the said Police Magistrate shall, on the application of any such owner or occupier, Police Officer or Sworn Constable, or on the application of the Serjeant or Constable in charge of such Station or Keeper of the Public Pound on proof upon oath before him of the fact of the Trespass, straying, tied, or being depastured on any highway, and of due notice to the owner of the Stock, if such owner was known to the distrainer at the time of making the distress, issue his warrant under his hand and seal directed to any Constable requiring and commanding him to levy upon and to sell such Stock at Public Auction in front of the Police Station of the district or Public Pound at such time as shall be specified in the said Warrant; and out of the proceeds of the sale, in case such Stock shall have been found trespassing, to pay to the owner or occupier of the land trespassed upon the amount of the rate of the appraisement hereinbefore mentioned, as the case may be, and to retain the sum of Four Shillings for his own use and benefit; and in case such Stock shall have been found straying, and tied, or being depastured on any highway, to pay to the owner of the adjacent land, or Police Officer or sworn Constable as aforesaid, for taking the same to the Station-house or Public Pound, the sum of Two Shillings and mile money at the rate hereinbefore provided, and to the said Police Magistrate the rate hereinbefore mentioned, rendering the balance, if any, to the owner of such Stock, if known, or to the said Police Magistrate, to be by him paid to the Treasurer of the Island for the general purposes of the Government, if such owner should be unknown: *Provided always*, That it shall be lawful for the said Treasurer, if such balance shall be claimed within two months from the sale of the Stock, on the certificate of the Police Magistrate of the district to pay over the same to such owner as aforesaid.

CL. XII.
Immediately after issuing a Warrant, Police Magistrate to affix notice to door of Police Office, and sale of Stock not to take place in less than ten days, or more than fifteen.

Immediately after issuing any such Warrant, as last aforesaid the said Police Magistrate shall affix or cause to be affixed on some conspicuous place in the front of the said Police Station or Public Pound, in case such Stock be therein impounded, a notice under his hand, in legible characters, which notice shall not be taken down or removed from such place until after the sale or return of such Stock as hereinafter provided for, and no such Sale shall take place less than ten, nor more than fifteen days, from the day on which the notice of distress hereinbefore provided for was given to the owner of such Stock, or affixed in front of the Police Station or Public Pound, as

the case may be, nor before eleven o'clock in the forenoon, nor after one o'clock in the afternoon.

On the day appointed for the Sale of any such Stock, the Constable to whom the Warrant is directed shall, if such Stock be not impounded at the Police Station or Public Pound, unless the owner of such Stock shall have previously paid to the party or parties respectively entitled thereto the sum or sums of money payable to him or them out of the proceeds of the sale of any such Stock, as well as the fee which such Constable is authorized to retain out of such proceeds as aforesaid, take such Stock from the place at which it may have been impounded, and if such Stock should not arrive at such Police Station or Public Pound in time, or within the hours appointed for the sale thereof by reason of the trouble and delay caused by such Stock in being driven or taken to such Police Station or Public Pound, the Sale of such Stock shall be postponed, and shall take place between the hours of eleven in the forenoon and one in the afternoon on the ensuing day, or if such last-mentioned day should happen to be Sunday then between the same hours on the Monday following.

Every person impounding such Stock shall furnish sufficient and suitable food and water for every animal by him impounded, and in default thereof be liable to forfeit and pay to the owner of such Stock a sum not exceeding Five Pounds for each animal so impounded and not furnished with sufficient and suitable food and water: *Provided always*, That no person who shall pursue or impound any Stock under the provisions of this Act shall be liable or responsible for the death or injury of any such Stock, unless it shall be proved that such Stock died or was injured by or through the wilful act or neglect of the person who shall have so impounded or pursued for the purpose of impounding, such Stock.

If any Stock so impounded as aforesaid shall die for want of sufficient and suitable food and water, or from any other cause of neglect or want of care and good treatment by or on the part of the detainer, he shall forfeit and pay to the owner or claimant of the Stock the value of such Stock.

If any Stock shall be rescued or attempted to be rescued from being impounded, or from going or being driven to be impounded for damage done by trespassing as aforesaid, the person so rescuing or attempting to rescue the Stock shall, on summary conviction thereof before the Police Magistrate of the district in which the offence shall be committed, forfeit and pay to the person on whose land the Trespass shall have been done by such Stock Treble the value of the damage done by the Trespass.

If the detainer of any such Stock as aforesaid so trespassing upon his land or his Servant shall have reason to believe or to suspect that such Stock has the glanders or any other contagious disease it shall be lawful for him to apply to the Police Magistrate of the district, who on such application is hereby required, as soon as possible, to call upon any three disinterested persons competent to form a just opinion in the premises, and if they, or a majority of them, shall be of opinion that the Stock has the glanders or any other contagious disease, and shall make oath thereof before the said Police Magistrate, then it shall be lawful for such Police Magistrate, by warrant under his hand and seal, to authorize the distrainer of the Stock or his servant, and he is hereby authorized and required, to kill or cause such Stock to be killed and the body of such Stock to be buried or towed out to sea; and for his so doing this Act, and the said Warrant, shall be a sufficient authority and indemnity against all persons, actions, suits, and claims in the premises.

The owner or occupier of any land within this Colony or its Dependencies, or his servant, may kill any Pig or Goat trespassing on his land, and if any Pig or Goat so trespassing shall be killed or disabled while trespassing the owner thereof may have and take the same, the head excepted, which shall be the perquisite of the person killing such Stock so trespassing; provided that the carcass be removed within twelve hours after being so killed or disabled, but if not so removed the person who may have killed such Pig or Goat shall bury the body of such Pig or Goat, under a penalty not exceeding Two Pounds if he shall not so bury the body, or if he shall be found to have taken the animal so killed for his own use.

No. 148.
29th October, 1858.

CL. XIII.
If Stock has been impounded at private place, Constable to take to Police Station on day of sale, and sell between 11 and 1 o'clock.

CL. XIV.
Impounder of Stock to furnish food and water, under penalty for neglect of not more than 5*l.*, but not to be responsible for death, unless wilful neglect, or injury be proved.

CL. XV.
If Stock impounded die from neglect, Distrainer to forfeit double the value.

CL. XVI.
Stock rescued, or attempted to be rescued, Owner to pay treble amount of damage.

CL. XVII.
Stock having Glanders, or other contagious disease, shall be destroyed, after due inquiry as to fact.

CL. XVIII.
Owner or occupier of land, or his servant, may kill Pigs or Goats found trespassing.

No. 148.
29th October, 1858.

CL. XIX.
If Stock cannot be taken, Owner to pay 4s. to Proprietor of land trespassed on, or to Police Magistrate, if found straying.

CL. XX.
[Fine for non-attendance of Appraiser summoned.]

CL. XXI.
[Bars actions of Trespass.]

CL. XXII.
[Forfeitures to be recovered summarily.]

CL. XXIII.
[Local Pounds.]

CL. XXIV.
[Construction of Words.]

If any such Stock so trespassing, or straying, tied, or being depastured in any highway as aforesaid cannot be taken and impounded, or if the proceeds of the sale of any such Stock shall not be sufficient to satisfy the whole amount due in respect of such Stock under the provisions of this Act, and the owner of such Stock shall be known or discovered, such owner shall, in case of such Stock having been found trespassing, forfeit and pay to the owner or occupier of such land the sum of Four Shillings, or the amount of the damage, if any, which may have been ascertained in the manner hereinbefore provided to have been committed by such Stock, and in case of such Stock having been found straying, tied, or being depastured on any highway, the sum of Four Shillings to the Police Magistrate of the district, to be by him paid to the Treasurer of the Island, provided such payment be demanded within Three Days after the discovery of the owner of such Stock, and within One Month after the day on which such Trespass was committed; and such Police Magistrate shall have full power to inquire into all the circumstances of the case to enable him to arrive at a correct conclusion.

If any person duly summoned shall neglect or refuse to attend at the time and place mentioned in such summons to appraise such damage, without reasonable cause to be approved by such Police Magistrate, every such person, on proof of the due service on him of such summons, shall incur a fine not exceeding Five Pounds, one moiety thereof to be paid to the party applying for the appraisement, and the other moiety into the Public Treasury for the general uses of the Island.

Any party proceeding under this Act shall be thereby barred from proceeding for the same Trespass by an action at Law, and this Act may be pleaded in bar and given in evidence in any such action.

All pecuniary forfeitures incurred under any of the provisions of this Act, and not satisfied out of the proceeds of the Sale of any Stock taken and impounded as hereinbefore provided for, shall be inquired of and adjudicated on by the Police Magistrate of the district, in a summary manner, and the mode of procedure shall be according to "The Summary Procedure Act, 1853."

That the Pounds erected and being in the several Towns of these Islands shall and may be used for the impounding of Stock found trespassing upon lands in the several Parishes of this Island under the provisions hereinbefore contained; and the Pound in the Town of Kingstown shall be used for the purpose of impounding of Stock found trespassing upon lands as well in the Parish of St. Andrew as the Parish of St. George and Town of Kingstown.

In the construction of this Act, the word "Stock" shall mean and include any Horse, Mare, Gelding, Mule, Ass, Bull, Cow, Ox, Heifer, Calf, Sheep, Goat, Pig, or other Live Chattel; the expression "the adjacent land" shall mean the land on either side of the particular spot on the highway on which the animal is found straying, or tied, or being depastured; the word "Highway" shall mean any public road or public bye-road in this Island, and any street, lane, or alley in any of the Towns of this Island; the expression "the district" shall mean the Police district in which the animal is found trespassing or straying, tied, or being depastured on any highway; the word "Distrainer" shall mean the owner or occupier of the land trespassed upon, or his servant, or the owner or occupier of the land adjacent to any Highway or his servant, or the Police Officer or Sworn Constable seizing the animal found straying, tied, or being depastured on any Highway; words importing the masculine gender only shall include females; and words importing the singular number only shall include the plural number; and words importing the plural number only shall include also the singular number.

SCHEDULE.

*Referred to in the preceding Act.*No. 148.
29th October, 1858.

Date of Publication of Act.	TITLE.
13th July, 1767 . . .	An Act to prevent Trespasses, and to regulate the Impounding of Cattle and other Stock.
17th November, 1840.	An Act to provide for the Erection of a Pound in the several Towns of this Island.
11th February, 1841.	An Act to afford Summary Redress in cases of Petty Trespass.
18th September, 1851.	Fourteenth Clause of an Act for Keeping in Repair the Highways and Public Roads in the Island of St. Vincent.

No. 149.

An Act to repeal certain Portions of "The Wine Act, 1855," and of an Act to amend "The Wine Act, 1855;" and to make other Provisions in lieu thereof.
[3rd December, 1858.]

BE IT ENACTED by the Governor, Council, and Assembly of the Government of the Island of St. Vincent and its Dependencies, as follows :—

The tenth, thirteenth, fourteenth, sixteenth, seventeenth Clauses, and the Proviso to the twentieth Clause of "The Wine Act, 1855," and the first and second Clauses of an Act, entitled "An Act to amend the Wine Act, 1855," are hereby repealed.

Every Wholesale Licence, and every Retail Licence for the Grenadines, shall continue and be in force on and from the day upon which the same is granted to and upon the thirty-first day of December in the same year, and every other Retail Licence, if granted on or after the first day of January and before the thirtieth day of June, shall continue and be in force on and from the day upon which the same is granted to and upon the thirtieth day of June in the same year, and if granted on or after the first day of July, then to continue and be in force on and from the day upon which the same is granted to and upon the thirty-first day of December in the same year: *Provided always*, That nothing in this Clause shall be taken to prevent any Licence being cancelled at any time according to the provisions of the thirty-third Clause of the said "Wine Act, 1855."

Every person who shall take out a Wholesale Licence shall pay to the Treasurer for every such Licence the sum of Five Pounds; and every person who shall take out a Retail Licence, to be used in either of the Towns of Kingstown, Calliaqua, Georgetown, Chateaubellair, Barrouallie, or Layou, or within the distance or precincts of one mile from the nearest boundary of any of the said Towns, shall pay to the Treasurer for every Retail Licence the sum of Fifteen Pounds; and every person who shall take out a Retail Licence to be used in any of the Islands commonly called the Grenadines shall pay to the Treasurer, for every such last-mentioned Retail Licence, the sum of Ten Pounds; and every person who shall take out a Retail Licence to be used in any of the Villages or on any Estate or in any other place within the Island of St. Vincent, not being within one mile of any of the Towns aforesaid, shall pay to the Treasurer for every such last-mentioned Retail Licence the sum of Seven Pounds Ten Shillings; and every person who shall take out any Licence shall pay to the Treasurer, for his own use, the sum of Two Shillings and Six Pence for the making out and subscribing any such Licence; and on each of the Licences so granted shall be written the Christian names and surnames at length of the person to whom any such Licence may be granted, his usual place of abode, and the situation of the Store or Shop in which he shall use such Licence, and the day on which it was granted, and at the top of each Licence the number of

Preamble.

CL. I.
Repeals 10th, 13th, 14th, 16th, 17th Clauses, and Proviso to 20th Clause of Wine Act, 1855, and 1st and 2nd Clauses of an Act to amend "The Wine Act, 1855."

CL. II.
Wholesale Licences and Retail Licences for the Grenadines to be annual, and all other Retail Licences half-yearly.

CL. III.
Wholesale Licence, 5*l.*; Retail Town Licences, or within one mile of any town, 15*l.*; Retail Grenadines Licence, 10*l.*; Country Licence, 7*l.* 10*s.*

Form of Licence.

No. 149.
12th December, 1858.

Book to be kept by the
Treasurer, in which
Licences are to be en-
tered.

Proviso.
Retail Licence taken
out for a town, or
within one mile of a
town, by any person,
on or after 1st July,
who shall not have
had a similar Licence
during the previous
half-year, price 20*l.*,
and Country Licence,
10*l.*

CL. IV.
Where any person
shall have held a Li-
cence during any part
of the first half of the
year, Certificate men-
tioned in Clause 15 of
Wine Act, 1855, not
requisite.

CL. V.
Act to be read and
construed together,
with "Wine Act,
1855," and an Act to
amend "The Wine
Act, 1855."

the Licence so granted; and the Treasurer shall enter the same in a book to be kept by him for that purpose; and the Wholesale Licences shall be numbered consecutively from number One upwards, according to the order in which the same shall be granted; and each description of the Retail Licences shall also be numbered consecutively as aforesaid, according to the Towns and Parishes within the said Island of St. Vincent or the Grenadines within the said Government in which the same are to be used, distinguishing such as may be granted to be used within the distances or precincts if one mile from the nearest boundary of any of the said Towns in the said Island of St. Vincent; and the Wholesale Licences shall be in the form or to the effect set forth in the Schedule A to the said "Wine Act, 1855," annexed; and the Retail Licences shall be in the form or to the effect set forth in Schedule A, to this Act annexed: *Provided always*, That every person who shall take out a Retail Licence to be used in any of the said Towns, or within the distance or precincts of one mile from the nearest boundary of any of the said Towns, on or after the first day of July, and who shall not have taken out a similar Licence at any time during the previous half-year, shall pay to the Treasurer for every such Licence the sum of Twenty Pounds, instead of Fifteen Pounds as hereinbefore mentioned; and every person who shall take out a Retail Licence to be used in any of the Villages, or on any Estate, or in any other place within the said Island of St. Vincent, not being within one mile of any Town as aforesaid, on or after the first day of July in any year, and who shall not have taken out a similar Retail Licence at any time during the previous half-year, shall pay to the Treasurer for such Licence the sum of Ten Pounds, instead of Seven Pounds Ten Shillings as hereinbefore mentioned.

Whereas by the fifteenth Clause of "The Wine Act, 1855," it is provided that every person, before he shall obtain a Retail Licence, shall produce to the Treasurer a certificate, in the form or to the effect of the Schedule in the said recited Act; *And whereas* in certain cases it is not necessary that the same should be so procured and produced; for remedy whereof, *Be it enacted*, That the Treasurer is hereby authorized to grant any Licence without the production of such certificate, provided the person applying for such Licence shall have held one during any period of the previous six months of the same year, and shall continue to use such Licence in the same Shop or Store.

That this Act and the said "Wine Act, 1855," and the said Act to amend "The Wine Act, 1855," shall be read and construed together as one Act, and all and every the provisions and powers contained in the said recited "Wine Act, 1855," and the said recited Act to amend "The Wine Act, 1855," shall be applicable and put in force for enforcing any penalty incurred under this Act.

SCHEDULE A.

TREASURER'S OFFICE, ST. VINCENT.

185

No.	Retail Liquor Licence.	No.
<p>A. B., of [state the residence, whether in a Town, Village, Parish, Estate, or one of the Grenadines] in the Island of [as it may be] within the Government of the Island of St. Vincent and its Dependencies [state the quality, trade, business, or occupation of A. B.] is hereby licensed to sell, expose for sale, and dispose of Spirituous Liquors, as defined by "The Wine Act, 1855," in any quantity whatever, on and from the day of the date hereof, until the termination of the [thirtieth day of June, or thirty-first day of December, as the case may be] one thousand eight hundred and _____ in the [Store or Shop] occupied by [him or her] and situate in [state the street or lot, if in a Town, or the name of the Village, or Parish, or Estate, or other place in which the Store or Shop may be situate, so that it may be distinctly designated.]</p>		

C. D.,

Treasurer.

No. 150.

An Act to authorize the Appointment of an Executive Council and Administrative Committee for the Island of St. Vincent and its Dependencies.

[9th April, 1859.] [Amended by Act 5th June, 1852.]

Preamble.

WHEREAS the duties of the Privy Council of the Government of this Island were, until the year one thousand eight hundred and fifty-six, performed exclusively by the Legislative Council, and the administrative duties of the Government were in a great measure performed by Joint Committees of the Legislative Council and House of Assembly; And whereas it having been felt that the interests of the Public Service would be promoted, and the Constitution of these Islands more assimilated to that of Great Britain, if an Executive Council were formed distinct and apart from the Legislative Council, an Act was passed in the said year one thousand eight hundred and fifty-six, to be cited as "The Executive Council Act, 1856," by which an Executive Council was formed, but the administrative duties of the said Government continued to be and are at present performed principally by Joint Committees of the Two Branches of the Legislature, and it is deemed advisable that such duties should in future be performed by an Administrative Committee instead of the said joint Committees; and inasmuch as the said Executive Council Act, 1856, will shortly expire, it is deemed advisable to repeal the same and re-enact its provisions, in addition to authorizing the appointment of an Executive or Administrative Committee; *Be it therefore enacted* by the Officer administering the Government of this Her Majesty's Island of St. Vincent and its Dependencies, and the Council and Assembly of the same:

That the said "Executive Council Act, 1856," shall be and the same is hereby repealed.

That, on and after this Act coming into operation, there shall be formed and constituted an Executive Council of the Government of the Island of St. Vincent and its Dependencies, and it shall and may be lawful for Her Majesty, her Heirs and Successors from time to time to nominate and appoint such persons as she or they shall think fit, being Members of the Legislative Council or Members of the House of Assembly of these Islands, to be Members of such Executive Council as aforesaid; and which said Executive Council shall be the advising Council of the Governor; and all such persons so appointed to be of the said Executive Council shall have, exercise, and enjoy the like powers, privileges, and authorities as are now exercised and enjoyed by the Members of the present Council of the said Island when sitting or acting as a Privy Council: *Provided always*, That nothing herein contained shall be construed to affect the Prerogative of the Crown, or defeat or limit the power of Her Majesty, her Heirs and Successors, except as aforesaid, to select, appoint, or remove the Members of the said Executive Council as to Her Majesty, her Heirs and Successors, shall seem fit.

That it shall be lawful for the Governor to nominate and appoint such persons as he shall deem fit, being Members of the said Legislative Council or Members of the said House of Assembly of these Islands, to be Members of such Executive Council, and to suspend all or any of the Members of the said Council and to appoint others in their stead; and all such appointments and suspensions shall be provisional and valid only until the signification of Her Majesty's pleasure thereon.

That all powers and authorities conferred by this Act upon Members of the said Legislative Council and House of Assembly, by virtue of their appointment as Members of such Executive Council shall and may be exercised by such Members so long as they shall remain and continue Members of the said Legislative Council and Assembly and no longer; and any Member of the said Legislative Council or Assembly nominated to be of such Executive Council, on vacating or resigning his seat in or ceasing to be a Member of the said Legislative Council or Assembly, shall immediately thereupon cease to be a Member of the said Executive Council: *Provided always*, That in the

CL. I.
"Executive Council Act, 1856," repealed.

CL. II.
Executive Council to be appointed from Members of Legislative Council and House of Assembly, with all the privileges and authorities of present Privy Council.

CL. III.
Governor to appoint Members.

CL. IV.
Powers conferred on Members of Executive Council to be exercised only so long as they continue Members of Legislative Council or Assembly, except in cases of dissolution of Assembly.

No. 150.
9th April, 1859.

event of the Dissolution or expiry of the present or any future Assembly such Members of the Executive Council as were Members of the said Assembly at the time of such Dissolution or expiry shall continue to be, and shall continue to act, as Members of such Executive Council until another Assembly shall be summoned and shall meet, and until the expiration of one month from the first day of the first meeting of such Assembly, unless in the meantime Members of the same shall be nominated and appointed to be of the Executive Council in their place and stead; or if such Members be re-elected as Members of the new Assembly then and in such case they may continue to act as, and to be, Members of the said Executive Council without any fresh appointment unless other Members shall be nominated and appointed in their place and stead.

CL. V.
Executive Council to have all powers of present Privy Council.

And whereas in and by various Acts the Governor or Lieutenant-Governor or Officer administering the Government, with "the Council" or "Privy Council," or by and with the advice or consent of the same, is authorized to do certain acts in pursuance of certain powers in said Acts respectively contained: *Be it enacted*, That whenever in any Act already in force or hereafter to be in force within these Islands the words "the Council" or "the Privy Council" are used, the same shall be construed to mean the Executive Council hereby authorized to be formed and appointed; and any act, matter, advice, consent, or thing, had, made, done, or given by such Executive Council shall be deemed to be done in pursuance of the powers in any such Act contained or given to the Council or Privy Council, as the case may be; and any act, power, matter, or thing, had, made, done, exercised, or consented to by the Governor, by and with the consent or advice of such Executive Council, shall be deemed to have been had, made, done, exercised, or consented to by him in pursuance of the power or authority in any such Act as aforesaid contained or given.

CL. VI.
Governor to appoint one Member of Council and two of Assembly to form Administrative Committee.

That it shall be lawful for the Governor, and he is hereby required to appoint persons, not exceeding in number Two of the Assembly and One of the Legislative Council, to form with himself an Administrative Committee, and to revoke such appointments and appoint others in their stead as occasion may require, subject to the provisions of this Act; and any Member so appointed who shall forfeit, resign, or vacate his seat in the Legislative Council or Assembly shall, *ipso facto*, cease to be a Member of the Administrative Committee; *Provided*, That no Member of the Assembly shall be disqualified from being a Member of the Administrative Committee by reason of a Dissolution of the House, but the Members of the Assembly being Members of the Administrative Committee shall continue after a Dissolution of the House to be Members of the Administrative Committee until a new House is formed, unless removed by the Governor: *Provided always*, That in the event of any such Members being re-elected as Members of such new Assembly, then and in such case they may, without any fresh appointment, continue to act as, and to be, Members of the said Administrative Committee unless other Members shall be nominated and appointed in their place and stead.

CL. VII.
Appointment of Members of Assembly to be Members of Executive Council or Administrative Committee not to vacate seat in Assembly.

That no Member of the Assembly who shall be appointed a Member of the said Executive Council and Administrative Committee, or of either of them, shall be deemed to have vacated his seat in such Assembly on account of such appointment.

CL. VIII.
Duties of Members of Administrative Committee.

That the duties of such Members of the Administrative Committee so to be appointed shall be to assist the Governor in preparing the annual estimates, in collecting and disbursing the public moneys, and in the general administration of the finances of the country; and it shall be their duty, when required, collectively and individually to advise and assist the Governor in the general administration of the affairs of these Islands; and, when required by the Governor so to do, to give their opinion and reasons in writing and at large on all matters submitted to them or either of them, to advise or prepare and perfect all estimates of ways and means or expenditure, papers, answers, bills, or other proceedings, which the Governor shall deem advisable to submit to either Branch of the Legislature, or to any person or persons; and the Governor may appoint by a Minute under his hand which

shall be published in the Newspapers of this Island and entered in the books of the Administrative Committee, any Member of the said Committee to perform any part of the General Administration of the Island, and to vary or alter the particular service of any such Member.

That the Members of the Administrative Committee, in their respective Legislative Chambers, shall be the Official Organs of communication between the Governor and the said Legislative Chambers.

That the Governor and the Three Members so to be appointed to the Administrative Committee shall form "The Administrative Committee," and any Three Members thereof shall discharge the duties of a Board of Audit, and the duties at present performed by the several Committees of Public Accounts, Public Buildings, and any other administrative duties now performed by Joint Committees of the Legislative Council and the House of Assembly; but they shall not expend a greater or other sum of money than that granted by the Legislature for purposes recited in the grant; That all motions for grants or appropriations of money shall originate in the House [of Assembly] with the Members of the Administrative Committee therein, or with their sanction.

That all powers of the Administrative Committee shall exist in and out of Session of the Legislature, and also during a Dissolution of the House of Assembly.

That the Governor shall appoint a Clerk to the said Administrative Committee, who shall also be Clerk to the said Executive Council, and remove him at pleasure and appoint another in his stead; and whenever such Clerk shall be removed from office or shall resign his appointment he shall deliver all books, papers, records, accounts, vouchers, and other documents in his possession or custody as such Clerk to the Clerk by whom he shall be succeeded, or failing so to do shall forfeit and pay to Her Majesty for the Public uses of this Colony a penalty of One Hundred Pounds, and be imprisoned in the Common Gaol for such term not exceeding six calendar months as the Supreme Court of Judicature of this Island shall think fit.

That the Three Members and the Clerk of the said Administrative Committee so to be appointed as aforesaid shall be paid at and after the rate per annum fixed in the Schedule hereunto annexed.

That quarterly accounts of all expenditure and disbursements under this Act shall be laid before the Legislative Council and House of Assembly at their first meeting after the expiration of each quarter.

* * * * *

That whenever in this Act the word "Governor" is used, it shall be deemed and construed to mean the person in the actual Administration of the Government of this Island for the time being.

That in citing this Act, and in all legal documents, it shall be sufficient to say "The Council and Committee Act, 1859."

That this Act may be altered or amended during the present Session.

That this Act shall continue and be in force for a period of Five years from the date of the publication thereof, and no longer.

No. 150.
9th April, 1859.

CL. IX.
Members of Administrative Committee to be the Organ of Communication between the Governor and the Legislative Chambers.

CL. X.
Governor and three Members so appointed to be the Administrative Committee, and to perform the duties now discharged by joint Committees. All motions for Money Grants originate in the Assembly with Members of Committee.

[See Amended Act, 5th June, 1862.]

CL. XI.
Powers of Committee to exist in and out of Sessions.

CL. XII.
Clerk to Committee to be appointed.

CL. XIII.
Members of Committee and Clerk to be paid as per Schedule.
[See Amended Act, 5th June, 1862.]

CL. XIV.
Account of Expenditure to be laid before Legislative Houses.

CL. XV.
[Repealed. See Amended Act as above.]

CL. XVI.
Definition of term "Governor."

CL. XVII.
Short Title of Act.

CL. XVIII.
Act may be altered during the present Session.

CL. XIX.
Duration of Act to be Five years.

SCHEDULE.

Members of Administrative Committee, each	£ 200
Clerk of Administrative Committee	100

No. 151.

An Act to grant a sum of Money towards aiding the Fund raised for the Erection of a Building at King's Hill, to be used as a Place of Worship and a School-Room.
[19th July, 1859.]

Preamble.

WHEREAS the building erected at King's Hill, situate in the District of the Chapelry of St. Paul's, in St. George's Parish, heretofore used as a Place of Worship and School Room, has fallen into decay and is represented to be unfit for repair, and the Inhabitants of the said District being desirous that a Place of Worship should be continued at King's Hill, have raised by Voluntary Subscription a sum of money for the purpose, but [it] being insufficient for effecting the object, they have petitioned the Legislature for aid therein; which good work it is deemed right to forward: *Be it therefore enacted* by the Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, that there shall be payable and paid from and out of the Public Moneys of this Colony, in aid of the fund raised as aforesaid and towards the erection at King's Hill of a suitable Building to be used as a Place of Worship and School-Room, the sum of One Hundred and Fifty Pounds.

CL. I.
Grants 150*l.* in aid of erection of Place of Worship at King's Hill.

CL. II.
Provides that said Grant be paid when Lieut.-Governor approves the Site, &c.

CL. III.
Appoints Commissioners for purposes of Act.

That the said sum shall be paid to the Commissioners hereinafter named by warrant of the Governor so soon as he shall be satisfied that a sufficient sum has been raised and is available and sufficient, with the sum of One Hundred and Fifty Pounds, for effectuating the aforesaid object; and provided also that he shall be satisfied that a proper site has been selected and obtained for the erection of such Building, and a good and sufficient title for the land obtained, the Conveyance of such land to be approved of by the Governor in Council.

The Members of Assembly for the time being for the Parish of St. George, and the Curate for the time being of the said District and Chapelry of St. Paul, together with the Members of the Administrative Committee, are hereby appointed Commissioners for the purposes of this Act.

No. 152.

An Act to Amend "The Police Act, 1853;" to Repeal "The Amended "Police Act, 1855;" and to increase the Police Force of the Government of St. Vincent.
[19th July, 1859.]

Preamble.

WHEREAS by "The Police Act, 1853," a Police Force was authorized to be raised in this Colony of St. Vincent, and a Superintendent of Police appointed; and it was thereby appointed that such Superintendent should reside in Kingstown; *And whereas* by "The Amended Police Act, 1855," the number of the Police was reduced; and by an Act made and passed on the thirteenth day of December, one thousand eight hundred and fifty-six, it was provided that the Senior Sergeant of the Police should be the Superintendent of Police; *And whereas* it is deemed expedient to increase the said Police Force, to appoint a proper and fit Superintendent of Police, and to alter and amend certain provisions contained in the said "Police Act, 1853," and "The Amended Police Act, 1855," in relation to the aforesaid matters: *Be it therefore enacted* by the Governor, Council, and Assembly of the Government of the Island of St. Vincent and its Dependencies, as follows—that is to say:—

CL. I.
[Repeals certain Clauses of Police Act.]

That so much of the 21st Clause of the Police Act, 1853, as provides that the Superintendent of Police shall reside in Kingstown:

So much of Clause 23rd of the same Act as provides that the Superintendent of Police shall have a fixed allowance for the purchase and keep of a horse farriery and horse furniture:

So much of Clause 26th of the same Act as provides that the Acting Superintendent of Police shall be entitled to receive the sum fixed for the purchase and keep of a horse:

So much of Clause 27th as limits the number of Constables to be appointed to thirty-nine :

And the entirety of Clause 33 of the same Act shall be and the same is and are hereby repealed :

That "The Amended Police Act, 1855," shall be and the same is hereby repealed :

That the permanent Police Force of this Colony shall henceforth consist of one Superintendent, one Serjeant, eight Corporals, and forty Privates, to be appointed by the Governor under the authority of the "Police Act, 1853;" and such Superintendent shall from and after the passing of this Act assume the title of "Inspector-General of Police;" *Provided always*, That all persons now serving in the Police shall continue to serve therein during the pleasure of the Governor.

That the said Inspector-General of Police shall reside at Fort Charlotte, or elsewhere in quarters to be allotted to him from time to time by the Governor; and the Serjeants, Corporals, and Privates shall be ordinarily stationed at the Central Station in Kingstown, and at the several out-stations, in such manner and numbers as the Inspector-General, with the sanction of the Governor, shall from time to time direct and fix (subject, nevertheless, to such Provisions as hereinafter contained for stationing a proportion of the Police Force at Fort Charlotte for the purpose of defence and drill as hereinafter provided): *Provided always*, That it shall be lawful for the Governor, at any time, on any emergency requiring a greater number of the said Police Force stationed at any district or station to be transferred to any other station or district, to order any number of the Police Force to be transferred to any such other station or district, there to remain for so long as their services may be required.

And whereas it is deemed expedient to train the said Police to the use of artillery and fire-arms for aiding in the defence of the Colony: *Be it therefore enacted*, That it shall be lawful for the Governor from time to time to station such number of the said Police Force as he shall think advisable at Fort Charlotte as head-quarters, where they shall be drilled and trained to the use of artillery and small arms in such manner as shall by rules and regulations to be made as hereinafter mentioned be provided; and if there shall be no person in the Police Force capable of instructing in the use of artillery it shall be lawful for the Governor, with the consent of the Council, to apply for and if necessary employ a Serjeant or Private of the Royal Artillery for that purpose; *Provided always*, That if the employment of such person shall be at the Public expense, such expense shall not be continued beyond one year without previous Legislative sanction.

That the Sergeants, Corporals, and Privates of Police to be appointed as aforesaid shall enlist and enrol themselves for service for the space of two years at the least; and if any such members of the Police Force shall be desirous to quit the Force before the expiration of the term of enrolment it shall be lawful for the Governor, on a special application to him made for that purpose, if he shall see fit and good cause so to do, to grant a discharge; and in case any person who shall have enlisted or enrolled as aforesaid shall quit the Service without having obtained such discharge he shall be deemed a Deserter, and shall forfeit and pay a Penalty—if a Serjeant, of Thirty Pounds, and if a Corporal or Private, of Fifteen Pounds, to be recovered in a summary way before any Police Magistrate, or two Justices of the Peace; and if such penalty be not paid immediately on conviction such person so convicted shall be liable to be imprisoned in the common jail for the space of six calendar months, unless such penalty be sooner paid.

In addition to such forfeiture, every person thus deserting shall forfeit all Pay then due to him; and every Deserter shall be liable to be apprehended by any other Police Constable, without warrant, under the Written Authority of the Inspector-General or a Serjeant of Police, and detained in custody until he can be carried before a Police Magistrate or two Justices of the Peace to answer for his said offence and be dealt with according to Law; and every person who shall knowingly assist any Deserter in deserting or

No. 152.
19th July, 1859.

CL. II.
[Repeals Act of 1855.]

CL. III.
[Number of the Force; Superintendent to assume title of Inspector-General.]

CL. IV.
[Residence and Stations.]

CL. V.
[Police to be trained to use of Artillery and Fire-arms.]

CL. VI.
[Term of Enlistment and forfeitures on quitting the Service without a Discharge.]

CL. VII.
[Deserters to forfeit arrears of Pay, and may be arrested without Warrant.]

No. 152.
19th July, 1859.

CL. VIII.
[Constables to deliver
up arms, &c., on quit-
ting the Force.]

CL. IX.
[Penalties for having
in possession or pur-
chasing arms or cloth-
ing; or for assuming
the dress, &c., of a
Police Officer.]

CL. X.
[For Harboursing, or
selling, or giving Li-
quor to a Police Officer
on duty; Penalty, not
exceeding 5*l*.]

CL. XI.
[How the property is
to be laid in Indict-
ments, &c.]

concealing himself, shall for such offence, on conviction, forfeit a sum not exceeding Ten Pounds, to be recovered in a summary way as last aforesaid; and in default of payment as last aforesaid such person shall be liable to be imprisoned for any time not exceeding three months.

Every Police Constable shall, on quitting or being dismissed from the Service, forthwith deliver up to the Inspector-General of Police all arms, accoutrements, ammunition, and articles of dress wherewith he may have been furnished at the public expense; and in default thereof he shall forfeit double the value of the article or thing detained, on conviction before a Police Magistrate or Justice of the Peace; and if any such article or thing as aforesaid delivered up shall be injured or damaged by improper use or want of care he shall be liable, upon Order made in that behalf by any Police Magistrate or Justice of the Peace on complaint made in that behalf, to forfeit and pay an equivalent in money for such injury or damage; and if any pay shall be due to such person it shall be lawful to deduct such forfeiture therefrom.

If any person not belonging to the Police Force shall have in his possession any arms, accoutrements, ammunition, appointments, or article of clothing supplied to any of the Police Force, and shall not be able satisfactorily to account for the possession thereof; or if any person shall put on or assume the dress, name, designation or description of any Police Officer for the purpose of thereby obtaining admission into any house or other place, or of doing or procuring to be done, of his own authority, any act which such person would not by Law be entitled to do or procure to be done of his own authority; or if any person shall knowingly purchase, or obtain, or solicit, or entice any Police Officer or Constable to sell or dispose of any arms, accoutrements, ammunition, appointments, clothing, or other article or thing being public property, and appropriated for the use of the Police Force, every person so offending shall, on conviction before any Police Magistrate or any two Justices of the Peace, forfeit and pay for every such offence, in addition to any other punishment to which such person shall by any other Law be subject, a sum not exceeding Ten Pounds, and in default of payment, shall be liable to be imprisoned with or without hard labour, in the discretion of the Magistrate, for any term not exceeding Three Calendar months; and if in any case it shall appear to any Police Magistrate or Justice of the Peace, on oath of any credible person, that there is reason to suspect that any person has illegally in his possession or on his premises any property of the description hereinbefore mentioned, the said Magistrate or Justice may grant a Search Warrant as in the case of stolen goods; and if any person in the Police Force shall sell, barter, lose, or wilfully spoil any of his arms, clothing, accoutrements, appointments, or other article or thing furnished to him at the Public expense, he shall be liable to be proceeded against in a summary way before any Police Magistrate or any two Justices of the Peace for the recovery of double the value of the thing sold, bartered, lost, or spoilt as aforesaid; and on conviction thereof shall forfeit and pay such double value, or be liable to be imprisoned with or without hard labour for any term not exceeding Three Calendar Months.

If any person shall knowingly harbour, or directly or indirectly sell or give any Spirits, mixed or unmixed, Wine, Beer, or other Intoxicating Liquor to any Police Officer when on duty, or shall suffer or permit any such Police Officer, when on duty, to abide or remain in the house or premises of such person (unless in cases of emergency when such Police Officer shall have been called in there to the performance of some duty), every such person shall, on conviction for every such offence, be liable to pay a penalty not exceeding Five Pounds, and in default of payment to imprisonment, for any term not exceeding One Calendar Month.

In all cases in which any Indictment, Information, or Complaint shall be preferred, made, or laid in respect of or relating to any arms, clothing, accoutrements, or other article or thing appropriated to the use of the Police Force of this Government, it shall be sufficient to state the same as "The Goods of the Government of St. Vincent appropriated to the Police Force."

That all and every the Rules, Orders, and Regulations heretofore from time to time made by the Governor for the general government of the Police Force under the authority of any Act or Acts for the time being in force in this Government, and as the same exist at the time of the passing of this Act, shall until altered, amended, or annulled, be deemed to be the Rules, Orders, and Regulations for the government of the said Police Force within the meaning of the said "Police Act 1853:" *And provided always*, That all such Rules, Orders, and Regulations shall be liable from time to time to be altered, amended and annulled, and others in their place and stead to be made and ordained, by the Governor under the authority contained in the said Police Act, 1853, subject nevertheless to disallowance of the same by the Legislature as provided by the said last-mentioned Act.

That Medical Attendance and Medicines shall be provided at the Public expense for the said Police Force: *Provided always*, That if thought advisable in any case the Governor may order the removal to the Colonial Hospital of any Police Constable requiring medical treatment, on such terms as the Governor and the Directors of the said Hospital may agree to.

That whenever the term "Superintendent" is used in any Act or in any Rule or Regulation made or to be made under any Act of this Government, the same shall also mean and include the Office and designation of "Inspector-General;" and all acts, matters and things had and done by and in the name of or before the Inspector-General shall be deemed to be had and done by or before the Superintendent, within the meaning of the Police Act, 1853. And whenever in any Act or Rule as aforesaid any duty is imposed on the Superintendent the same shall be deemed to be the duty of the Inspector-General; and when any act, matter or thing is by any such Act or Rule as aforesaid directed or authorized to be done by or in the name or before the Superintendent, if the same be done by and in the name or before the Inspector-General, it shall be deemed to have been lawfully done within the meaning of the said Act or Rule directing or requiring or authorizing the same.

That this Act and the said "Police Act, 1853," shall be read and construed together as one Act; and when it shall be necessary to cite this Act apart from the said "Police Act, 1853," it shall be sufficient to cite the same as "The Amended Police Act, 1859."

No. 152.
19th July, 1859.

CL. XII.
[Existing Rules to remain in force.]

CL. XIII.
[Medical attendance to be provided.]

CL. XIV.
[Construction of terms used in the Act.]

CL. XV.
[The several Police Acts to be construed together, &c.]

No. 153.

An Act to Repeal "The Police Expenditure Act, 1855;" and an Act to alter and amend the same, and to make other Provisions in lieu thereof.
[19th July, 1859.]

WHEREAS it is deemed necessary to increase the Police Force of this Colony, and to endeavour to procure the services of a better class of men to serve as Police Officers by increasing their pay, granting them rations, and providing for their support in case of being incapacitated from injury received in the Public Service: *Be it therefore enacted* by the Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, as follows, that is to say:—

The Act of this Colony made and passed on the eleventh day of December, one thousand eight hundred and fifty-five, intituled as "The Police Expenditure Act, 1855," and the Act made and passed on the thirteenth day of December, one thousand eight hundred and fifty-six, intituled, "An Act "to amend the 4th Clause of the Police Expenditure Act, 1855," and to repeal the 5th Clause of the said Act, shall be and the same are hereby repealed, except so far as the same Acts respectively repeal any other Act or Acts or parts of Acts.

The Superintendent of Police of this Colony shall have and receive an annual allowance and Salary, payable quarterly, of Three Hundred Pounds, and so in proportion for any lesser period than a year, which sum is hereby declared to be in full of Salary and all allowances whatsoever, whether for

Preamble.

CL. I.
Repeals "Police Expenditure Act, 1855," and the Act to alter and amend the same, passed in 1856.

CL. II.
Superintendent of Police to receive Pay at the rate of 300*l.* per annum, payable quarterly, and quarters.

No. 152.
19th July, 1859.

the purchase, keep, or hire of a Horse or otherwise; and no greater or further sum shall, on any pretence or account whatsoever, be payable to, or receivable by, such Superintendent of Police for the duties to be by him performed: *Provided always*, That the said Superintendent of Police shall also be entitled to Quarters at Fort Charlotte or in Kingstown, to be allotted to him from time to time by the Governor: *Provided*, That it shall be the duty of the Superintendent and he is hereby required to keep and maintain at his own expense one efficient Horse, at least, for the performance of the duties of his Office.

CL. III.
Pay of Police Force—
Serjeants, 75*l.*; Corporals, 45*l.*; Privates, 40*l.*

Rations as near as may
be to those allowed to
Her Majesty's troops.

The Sergeants, Corporals and Privates of Police shall have and receive Pay as follows, that is to say:—The Sergeants at the rate of Seventy-Five Pounds yearly, Corporals at the rate of Forty-Five Pounds yearly, and Privates at the rate of Forty Pounds yearly, payable monthly; and every Sergeant, Corporal, and Private of Police shall also receive, in addition to the Clothing provided by Law, Rations according to a scale to be fixed from time to time by the Governor in Council, and to be as nearly as may be to the rates allowed to Her Majesty's troops; and stoppage of pay shall be made monthly at such rate as shall be sufficient to defray the cost of furnishing such Rations.

CL. IV.
Retiring Pension to
Police Officers, after
Twenty Years' Service,
and provision in case
of being disabled in
the Public Service.

That every Police Officer who shall serve for twenty years in the Police Service of this Government shall be entitled to a retiring Pension to be fixed by the Governor in Council, not in any case exceeding one-third of the rate of Pay received by such person at the close of his Service: and every Police Officer who shall be disabled, maimed, or permanently injured in the Public Service, shall be entitled to receive such annual allowance for life or otherwise as shall be fixed by the Governor in Council, regard being had to the number of years of service and the character of the person, and the nature of the injury inflicted on him; but such allowance in no case to exceed two-thirds of the full pay of such party whilst serving in the Police.

CL. V.
Short Title of Act.

That this Act may be cited as "The Police Expenditure Act, 1859."

No. 154.

An Act for laying a Duty on Exports.

[4th August, 1859.]

WHEREAS, in consequence of the additional burthen which will be cast on the Revenue of this Colony by an increased Police Establishment, it is deemed necessary to continue the Rates and Duties imposed by the "Export Tax Act, 1856," which will cease on the first day of January now next ensuing: *Be it therefore enacted* by the Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies:—

CL. I.
Duties to be levied on
Sugar, Rum, Molasses,
Arrowroot, Cotton and
Cocoa, from 1st Janu-
ary, 1860, to 31st De-
cember, 1862, on Ex-
portation.

That there shall be raised, levied, collected, and paid to Her Most Gracious Majesty Queen Victoria, her heirs and Successors, for the public uses of this Government, the Duties hereinafter mentioned on the exportation from this Government of the produce hereinafter mentioned and enumerated, and that such Duties shall commence and be payable on and from after the first day of January which will be in the year of our Lord one thousand eight hundred and sixty, and shall continue to, be levied and payable thenceforward, that is to say, for and during the period of Three Years from the said last-mentioned day:—

On every hogshead of Sugar, the produce of this Government, of thirty-eight inch truss, and upwards—Two Shillings.

On every hogshead of Sugar, as aforesaid, under thirty-eight inch truss, and not less than thirty-four inch truss—One Shilling and Nine Pence.

On every hogshead or cask of Sugar, under thirty-four inches, and exceeding six hundred and seventy-two pounds, gross weight—One Shilling and Four Pence.

On every cask of Sugar, not exceeding six hundred and seventy-two pounds, in gross weight, nor less than three hundred and thirty-six pounds, gross weight—Eight Pence.

No. 154.
4th August, 1859.

- On every cask, barrel, half-barrel or package of Sugar under three hundred and thirty-six pounds, gross weight—Four Pence.
- On every puncheon or cask of Rum, as aforesaid, containing more than fifty-two Imperial Gallons—One Shilling.
- On every puncheon, cask, or package of Rum or other Spirit, as aforesaid, not exceeding fifty-two Imperial gallons—Sixpence.
- On every puncheon of Molasses, containing ninety gallons or upwards—Nine Pence.
- On every cask or package of Molasses, containing less than ninety gallons—Sixpence.
- On every two hundred pounds weight of Arrowroot, and so in like proportion for any greater or less quantity—Sixpence.
- On every one hundred and twelve pounds of Cotton, as aforesaid, and in like proportion for any fractional part of a hundred weight—Three Pence.
- On every one hundred and twelve Pounds of Cocoa, as aforesaid, and in like proportion for any fractional part of a hundred weight—Three Pence.

That the Duties hereby made chargeable shall be payable and paid at the Public Treasury of this Government, and at the time and in the manner hereinafter mentioned, and shall be received by the Treasurer of this Government, or his lawful Deputy, for the public uses of the said Government, and a separate account shall be opened and kept for the same in the Books of the Treasury.

CL. II.
Duties to be Payable to Treasurer, for Public Uses of Government, and as hereinafter specially applied.

That the Duties hereby made payable shall be paid at or before the time of clearing out the vessel on board of which the goods liable thereto shall be laden; and all such Duties shall be and the same are hereby declared to be payable by and demandable from the Shipper of such goods, who shall, either in person or by a duly authorized Agent, make and subscribe a Return and declaration before the Treasurer or his Deputy, or any Justice of the Peace, of the nature or description and quantity of such goods, in the form A in the Schedule to this Act annexed, which Declaration the Treasurer, or his Deputy, is hereby authorized and required to take; and the Treasurer shall charge and require payment of the Duties by this Act imposed on such goods according to the provisions of this Act, and the Return and Declaration so made and subscribed as aforesaid: And if any person, so making any such return and declaring thereto, shall knowingly make any false return or declaration, such person shall be deemed guilty of Perjury, and, on conviction thereof at the Court of Grand Sessions of the Peace, shall be subject to the pains and penalties inflicted on persons guilty of Wilful and corrupt Perjury.

CL. III.
Duties to be charged on Produce, by Declaration of Shipper.

Person making false Declaration, guilty of Perjury.

That the Master, Commander, or person in charge of every ship or vessel about to depart from this Colony shall, before such ship or vessel depart, come to the Office of the Treasurer and there make Entry of all the goods and cargo shipped or taken on board such vessel for Exportation from this Island liable to duty under this Act, and in the form B to this Act annexed by way of Schedule; and in such Entry shall be contained, so far as such Master or other person can give or return the same, and to the best and utmost of his knowledge, information, or belief, the number and size, and marks of all packages on board such ship or vessel and the contents of the same, together with the name or names of the respective Shippers thereof; and such Master or other person at the time of making such Entry shall also make and subscribe such Declaration to the truth and correctness of such Entry as is contained in and set forth at the foot of the said form marked B.

CL. IV.
Master of Ship to make entry at Treasury, of all Produce on Board before departure, and declare thereto.

That the Treasurer shall not clear out any ship or vessel, or authorize her departure from this Government, or grant any clearance or certificate to the Master or person in charge thereof, unless and until all the Duties chargeable in respect of the produce on board the same shall have been duly and fully paid, nor until the Master or person in charge of such ship or vessel shall have made and subscribed such Entry of cargo and such Declaration before such Treasurer or his Deputy as hereinbefore mentioned: and if any person being liable to make such Entry or Declaration shall refuse to make, take, or subscribe the same, or shall knowingly make any false Entry or Declaration, the person so offending shall, on conviction

CL. V.
Treasurer not to clear out Ship till Duties paid, nor until Entry made.

No. 154.
4th August, 1859.

Persons liable to make Entry, refusing to make or declare to same, liable to Penalty not exceeding 20l.

CL. VI.
In case of Ship departing before duty on Produce on board thereof paid, Treasurer to issue Warrant for enforcing Payment of same by Shipper.

CL. VII.
Shipper of Goods neglecting to pay duty, Master or Owner of Ship authorized to pay same, and Treasurer to give Certificate to person paying the same.

If Master unable, for want of sufficient information to return exact size of packages containing Produce, same to be returned as of the largest size.

CL. VIII.
Where a Master makes Return of Produce and is unable to set forth actual weight of quantity, to return same according to scale fixed.

before any one or more Justices of the Peace, forfeit to Her Majesty, her Heirs and Successors, a sum not exceeding Twenty Pounds sterling for every offence, one moiety whereof shall be paid to the Treasurer for the public uses of this Government, and the other moiety to the informer, who is hereby declared to be a competent witness.

That if any ship or vessel shall depart from this Island without being cleared out at the Treasury and by the Comptroller of the Customs and Navigation Laws, and having on board any produce liable to Duty under this Act and on which the Duty shall not have been paid prior to the departure of such Ship or Vessel, the Shipper of such produce shall be and remain liable to the payment of such Duty, and the Treasurer is hereby authorized and required to issue his warrant, in the form to this Act annexed by way of Schedule marked C, at any time thereafter against such Skipper for levying the amount of such Duty, and the Master or person in charge of any such Ship or Vessel so departing, shall be liable, on conviction before any Justice of the Peace, to forfeit and pay to Her Majesty, her Heirs and Successors, a sum not exceeding Fifty Pounds, to be paid to the Treasurer for the public uses of this Government: and if any dispute shall arise on such warrant being issued to levy Duty against a Shipper of Produce as to the person who is to be deemed the Shipper, the onus of proof that the person against whom such warrant is issued is not the Shipper, within the meaning of this Act, shall rest with the person against whom such warrant shall have issued; and in every such case in which it shall be proved that such person is not the shipper, it shall be lawful for the Treasurer at any time thereafter to issue another warrant against the Shipper when known.

That, in order to enable a Ship or Vessel lying in this Government, and having produce on board for exportation liable to Duty under this Act, to depart from this Colony, in cases where the Shipper of such produce shall neglect to make the Return hereby required or to pay the Duty thereon prior to or at the time of clearing out such vessel for departure, *It is hereby declared*, That it shall and may be lawful for the Master or Commander of any such ship or vessel, or the Owner or Consignee, or Agent of and for such Owner, if such Duties shall not have been paid at the time of applying for a clearance (provided such ship or vessel shall be then ready for sea and about to depart, but not otherwise), to make such Return in respect of all such produce as, according to the best and utmost of his power he shall be enabled to do under the circumstances as aforesaid, and for such purpose such Master or other person as aforesaid shall be deemed to be the duly authorized Agent of the Shipper within the meaning of this Act; and such Master or other person shall and may thereupon tender and pay to the Treasurer the amount of Duties which, according to such return, shall be chargeable on such produce, which the Treasurer is hereby authorised and required to receive; and if such Master or other person is unable for want of sufficient information to state or return the Size of any Package containing any such produce, the same shall be chargeable with the highest rate of Duty imposed by this Act, and shall be deemed and entered and returned as of the largest size mentioned in this Act; and where such Master or other person is unable to state or return the exact Quantity or Weight of any produce liable to Duty contained in any package, where the Duty is chargeable by weight, then such weight shall be entered and returned, and charged according to the provisions next hereinafter contained.

That in every case in which such Master or other person as last aforesaid shall be authorized to make and shall make a Return for the Shipper of any produce shipped for exportation and liable to Duty under this Act, and shall be unable for want of sufficient information to set forth the exact quantity or weight of such produce in any package containing the same, the quantity of all such produce shall be fixed and stated, and returned and liable to and charged with duty according to the provisions following, that is to say:

In the case of Arrow-root contained in barrels, the same shall be calculated at Two Hundred Pounds for each barrel; One Hundred Pounds for every cask smaller than a barrel; and, when in tin cases, the same

shall be estimated and returned at Twenty-eight Pounds for each tin case.

In the case of Cocoa in cask, the same shall be estimated at Five Hundred Pounds for every cask larger than a barrel, and One Hundred Pounds for each barrel, and Fifty Pounds for any cask smaller than a barrel.

In the case of Cotton in bales, the same shall be estimated at Two Hundred and Twenty pounds for each bale.

That any such Master or other person as aforesaid who shall, according to the provisions of this Act, and in order to obtain a clearance and depart from the said Government, pay or cause to be paid to the said Treasurer, or his Deputy, any such Duties as aforesaid in respect of any Produce whereon such Duties shall have been refused or neglected to be paid by the Shipper thereof, shall and may require the said Treasurer or his Deputy to give to him a Certificate and Receipt in writing in respect of such Duties paid, and such Receipt shall be in the form D annexed to this Act by way of Schedule; and such Master or other person as aforesaid so paying such Duties, and in whose favour any such Certificate shall be granted, if the amount shall not be paid to him or his Agent authorized in writing, on demand made for the same, shall be entitled to recover the amount so paid, together with the sum of Three Pounds to be deemed liquidated damages, against the person whose name shall appear as the Shipper of such goods in the Bill of Lading for the same, by action of debt in the Supreme Court on complaint therein, or by plaint in the Petty Debt Court, according to the amount due, with full costs of suit; and in any such action, on proof of demand of payment first made, the Receipt and Certificate of the Treasurer or his Deputy, without further proof, and the production thereof and of the Bill of Lading of such goods, if such Bill of Lading shall be within this Government, and, if not, then a copy of such Bill of Lading proved to be a true copy thereof shall be deemed and taken as conclusive evidence against the defendant.

That all Fines, penalties, and forfeitures laid or imposed by this Act, and not herein or hereby directed how to be enforced, shall be enforced in a summary manner before any two or more Justices of the Peace, and the mode of procedure shall be according to "The Summary Procedure Act, 1853."

That the Governor is hereby authorized and requested to cause to be printed, at the public expense, all necessary Forms under this Act, and to grant his warrant for payment of the same.

That this Act shall not, for the purpose of laying or imposing any Tax, remain, continue, or be in force at any time after the thirty-first day of December, in the year one thousand eight hundred and sixty-two, but the same shall be and remain and continue in force thenceforth for the space of one year for the purpose of enforcing the payment of all taxes, if any then in arrear, and for the purpose of prosecuting for all offences and recovering all penalties in arrear under the provisions of this Act between the first day of January, one thousand eight hundred and sixty, and the thirty-first day of December, one thousand eight hundred and sixty-two.

That in citing this Act in any other Act, or in any legal proceeding, it shall be sufficient to cite the same as "The Export Tax Act, 1859."

No. 154.
4th August, 1859.

CL. IX.
Master or owner of ship paying Duties entitled to demand same from Shipper, and if not paid on demand, may recover same with 8*l.* damages and costs by action.

CL. X.
Fines and Penalties how to be recovered.

CL. XI.
Governor authorized to cause forms to be printed.

CL. XII.
Act not to continue in force beyond 31st December, 1862, except for purpose of enforcing payment of duties.

CL. XIII.
Act to be cited as "The Export Tax Act, 1859."

No. 154.
4th August, 1859.

SCHEDULE A.

ST. VINCENT.

Return of Produce shipped by [A. B. shipper's name], on board the [name of vessel], bound for [Port of Discharge], made this day of , 18 .

SUGAR.				RUM.		MOLASSE.		ARROWROOT.			COTTON.		COCOA.	
No. of bbls. 38 inch truss and upwards.	No. of bbls. under 38 inch and not less than 34 inch.	No. of casks under 34 inch and not exceeding 6 cwt.	No. of casks under 6 cwt. and not less than 3 cwt.	No. of casks, barrels, half-bbls., or packages under 3 cwt.	Casks containing more than 52 gallons.	Casks containing less than 52 gallons.	No. of casks containing more than 90 gallons.	No. of casks containing less than 90 gal- lons.	No. of barrels.	No. of half-barrels.	No. of Tins.	TOTAL WEIGHT.	No. of bales or other packages.	Weight.
													No. of barrels or other packages.	Weight.

I A. B. [the Shipper], or C. D. [the duty authorized Agent of A. B.], the shipper of the Produce enumerated and specified in the above written Return, do hereby solemnly declare that the Return by me above made contains a true and full account of the description and quantities of all Produce belonging to the said A. B.; the Shipper thereof, shipped on board the above named, for exportation from this Colony, and of the number and sizes of the casks or packages containing the same, according to the best and utmost of my knowledge, information, and belief. Declared before me, this day of , 18 .

SCHEDULE B.

No. 154.
4th August, 1859.

ENTRY OUTWARDS OF THE SHIP.

The Declaration of A. B., the Master or person in command of the Ship or Vessel called the [Ship or Vessel's name], now lying at St. Vincent, and bound for [Port of Discharge], made pursuant to the provisions of "The Export Tax Act, 1859," of the Government of St. Vincent.

PARTICULARS OF CARGO.					
Sugar.	Rum.	Molasses.	Arrowroot.	Cotton.	Cocoa.

I, the above-named _____, do solemnly and sincerely declare that the foregoing Entry and Report contains a full and true account of all the Cargo now on board the Ship _____ lying at St. Vincent, and bound for _____, with the particulars, so far as within my utmost power or information to state the same, and according to the best of my belief; and that no other produce, of any kind or description, have been received on board the said ship whilst in this Colony, nor are any such other Produce now on board the said Ship than such as are contained in the above entry and report.

SCHEDULE C.

By A. B. Treasurer of the Island of St. Vincent and its Dependencies.
To A. B. Police Constable, or any other Police Constable for this Government of St. Vincent.

WHEREAS *C. D.* [*the name of the Shipper*] is liable to pay into the Public Treasury the sum of _____ for and in respect of the Tax payable under "The Export Tax Act, 1859," upon certain Produce enumerated on the back hereof, exported in the Ship or Vessel, called the _____, on the day of _____ [*last past or instant, as the case may be*]; And whereas the said Ship or Vessel hath departed without payment of the said Duty on the said Produce, These are therefore to authorize and require you to demand of and receive from the said *C. D.* the said sum of _____, and if the same shall not be paid on demand, you are immediately to levy upon and forthwith sell so much of the goods and chattels of the said *C. B.* as shall be sufficient to pay the said sum of _____ and the costs of sale, and you are to make a Return to me of your proceedings, and pay over the amount by you levied or received within twenty days from the date hereof.

Given under my hand and seal, at St. Vincent, the 18 day of

On the back hereof, the Produce on which the Duty is charged is to be enumerated and set forth.

No. 154.
4th August, 1859.

ENUMERATION OF PRODUCE REFERRED TO IN THE WITHIN WARRANT.							
Marks.	Hogsheads, or Casks of Sugar, and Size.	Puncheons or Casks of Rum, and Contents.	Puncheons or Casks of Molasses, and Contents.	Pounds of			Amount of Duty.
				Cocoa.	Cotton.	Arrowroot.	

(Signed) A. B.
Treasurer.

By A. B., Treasurer of the Island of St. Vincent and its Dependencies.

WHEREAS *C. D.* [the shipper of the Produce] is liable to pay into the Public Treasury the sum of \$_____ payable under "The Export Tax Act, 1859," for the Produce enumerated at the foot hereof, shipped on board the Ship or Vessel, called the _____ in respect of the Tax

AND WHEREAS the said *C. D.* hath neglected to pay the same; and, in order to enable the said Ship or Vessel to depart from this Colony, and *E. F.* [the person paying the amount] being the "Master," or "Owner," or "Consignee," or "Agent of the Owner" of the said Ship or vessel, hath this day said to me the said Treasurer, the said sum of \$_____ for and in respect of the said duty on the said Produce, which I hereby certify.

Given under my hand, at St. Vincent, the
day of _____, 18____

ENUMERATION OF PRODUCE REFERRED TO IN THE FOREGOING CERTIFICATE.							
Marks.	Hogheads, or Casks of Sugar.	Punchons, or Casks of Rum, and-Contentis.	Punchons, or Casks of Molasses, and Contentis.	Pounds of			Amount of Duty.
				Cocoa.	Cotton.	Arrowroot.	

No. 154.
4th August, 1859.

No. 155.

An Act for laying a Tax on Incomes and other Objects declared Taxable.
[4th August, 1859.]

WHEREAS "The Income Tax Act, 1856," will expire on the first day of January now next ensuing, and it is deemed necessary to continue the rates and duties imposed by the said recited Act: *Be it therefore enacted* by the Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies:

CL. I.
Taxes and Duties
hereinafter specified
to be levied.

That there shall be raised, levied, collected, and paid to Her Most Gracious Majesty the Queen, her Heirs and Successors, on and from and after the first day of January, one thousand eight hundred and sixty, and shall continue to be levied and payable thenceforward for three years from the last-mentioned date, the Taxes and Duties hereinafter specified.

CL. II.
Taxes payable to
Treasurer at Public
Treasury.

That the Taxes laid and imposed by this Act shall and the same are hereby declared to be payable at the times hereinafter in that behalf declared at the Public Treasury, and to the Treasurer of the said Government, or his lawful Deputy, subject nevertheless to such provisions as hereinafter made in respect of the receipt by the Assessors acting in the execution of this Act of small sums not exceeding Forty Shillings.

CL. III.
Title of Act.

That in citing this Act it shall be sufficient to use the words, and cite the same as "The Income Tax Act, 1859."

CL. IV.
Tax upon Incomes,
One per cent. on
Incomes from Fifty
Pounds and not ex-
ceeding Two hun-
dred Pounds; and
One and a half per
cent. on Two hun-
dred Pounds and up-
wards.

That all persons deriving a yearly income amounting to Fifty Pounds or upwards in the Island of St. Vincent or its Dependencies during any of the years one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty, one thousand eight hundred and sixty-one, or during any part of such years respectively, the Officer administering the Government, and his Secretary, and the Officers, Soldiers, and Seamen in Her Majesty's service (if any in the Colony) only excepted as respects the emoluments of their said offices or pay respectively, shall pay annually during the year one thousand eight hundred and sixty, one thousand eight hundred and sixty-one, one thousand eight hundred and sixty-two, in respect of such Income and at the time hereinafter in that behalf appointed, a Tax of Twenty Shillings upon every Hundred Pounds, and in like proportion for any fractional part of a Hundred Pounds on each yearly income where the same amounted to Fifty Pounds and did not exceed Two Hundred Pounds; and a Tax of Thirty Shillings *per centum* where such Income shall exceed Two Hundred Pounds; such Income to be ascertained yearly during the continuance in force of this Act by Return and Declaration to be made by the party liable to be taxed before the Assessors to be appointed under this Act within their respective districts as hereinafter mentioned, which Declaration the Assessors are hereby authorized to take: *Provided always*, That nothing in this Clause contained shall render any person deriving an Income drawn from Produce liable to be taxed in respect of such Income derived from Produce, if such Produce shall have been charged with and shall have paid the Tax charged on Produce by the Act of this Government, to be cited as "The Export Tax Act, 1859," it being hereby expressly declared that all such Incomes shall be exempt from the Duty imposed by this Act; *And provided also*, That no person shall be liable to be taxed under the provisions of this Act in respect of Income derived from the profits of any Plantation or Estate during the year one thousand eight hundred and fifty-nine, if such person shall be in the actual possession of such Plantation during the year one thousand eight hundred and sixty, and shall pay during such last-mentioned year the tax leviable on the produce thereof under "The Export Tax Act, 1859."

CL. V.
Horses, Carriages,
Boats, to be taxed.

That there shall be paid yearly during the continuance in force of this Act, in respect of all Horses, Mules, Asses, Boats, Canoes, and Carriages, by the owners, possessors, or other persons having used the same within this Government during any part of the year one thousand eight hundred and fifty-nine, or using the same in this Government in any part of the years

one thousand eight hundred and sixty, and one thousand eight hundred and sixty-one, the following Rates and Taxes, that is to say :—

No. 155.
4th August, 1859.

For every Horse, Mare, Gelding, and Mule—the sum of Ten Shillings.

For every Ass—the sum of Five Shillings.

For every Carriage or Vehicle on springs, with two or more wheels—the sum of Five Shillings for each Wheel attached to such Vehicle or Carriage.

For every Boat or Canoe the sum of Three Pence for every foot of the measurement in length—from stem to stern.

Provided always, That no person paying a Tax on Income of upwards of Two Hundred Pounds under this Act shall be liable to pay the tax hereby imposed on Horses, Mares, Geldings, Mules and Asses, or Vehicles with springs; *And provided also*, That no Horses, Mares, Geldings, Mules and Asses, *bonâ fide* the property of estates on which produce is grown which shall be taxed under the said hereinbefore mentioned “Export Tax Act, 1859,” to the amount of Forty Shillings, shall be liable to Duty under this Act; *And provided also*, That no Boat or Canoe belonging to any Drogher, or other trading or coasting vessel owned in this Government, or belonging to any Estate the produce of which is liable to the Tax under the said “Export Tax Act, 1859,” to the amount of Forty Shillings shall be liable to the Duty imposed by this Act; *Provided always*, That nothing herein contained shall extend to any Horses or Carriages used in the possession of the Officer for the time being administering the Government of the Colony, or the Officers of Her Majesty’s Troops (if any in this Colony) or to any Horse, Mare or Gelding kept by any Townwardens or Waywardens for the public use.

That the mode in which the amount of Income in respect of which the several persons who shall be chargeable with Duty in respect thereof under this Act shall be arrived at shall be by a Return and Declaration in the form A, next following; and the number and description of Horses, Mares, Geldings, Mules, Asses, and Carriages liable to taxation under this Act shall be arrived at by a Return and Declaration in the form B, next following; which declaration in respect of Income shall be taken by the person having or receiving such Income if in this Colony, and if absent by his Attorney, and so in like manner in respect of the said Declaration B, which shall be taken by the person having or possessing any taxable object under this Act, if present in the Colony, or by his Attorney if absent, under the pains and penalties hereinafter declared.

CL. VI.
Amounts of Income taxable, and number of Horses, Mares, Geldings, Mules, Asses and Carriages, liable to Duty to be arrived at by Declaration.

A.

I [A. B.] do declare, to the best of my knowledge and belief, my Income, [or the Income of C. D., for whom I am Attorney,] ending the thirty-first of December last past, derived from [state whether from profession, trade, business, or occupation, setting forth the nature of the same,] did not exceed the sum of [setting forth the true amount of such Income] exclusive of Income derived from Produce taxable under the “Export Tax Act, 1859.”

B.

I [A. B.] do declare that the taxable objects undermentioned were the only objects taxable under “The Income Tax Act, 1859,” in my possession or use [or in the possession of C. D., for whom I am Attorney,] during any part of the year 18 .

Horses.	Mares.	Geldings.	Mules.	Asses.	Carriages, No. of Wheels.

CL. VII.
Owners of boats to take out Licence.

That every person except the owners of Droghers or other vessels, and

No. 155.
4th August, 1859.

except the owners in possession of Estates in respect of the produce of which the tax laid by the "Export Tax Act, 1859," is chargeable owning or possessing any Boat or Canoe in this Government, shall within Twenty days after the first day of January in the year one thousand eight hundred and sixty, one thousand eight hundred and sixty-one, and one thousand eight hundred and sixty-two, take out an annual Licence from the Treasurer for every such Boat or Canoe, and shall pay for the same according to the size of the Boat, and at the rate hereinbefore fixed in that behalf. And the Treasurer is hereby required, on application made for that purpose and on payment of the Duty by this Act imposed, to grant Licences in the form next hereinafter given marked C, which Licences shall be numbered from one upwards, and the corresponding number of the Licences shall be painted in conspicuous figures on each bow of the Boat or Canoe so Licensed.

FORM OF LICENCE (C).

No.

TREASURER'S OFFICE, ST. VINCENT,

day of _____, 185 .

The Boat [or Canoe], owned by A. B. [owner's name], admeasuring _____ feet, from stem to stern, is hereby Licensed for the year 18 .

(Signed)

C. D.,
Treasurer.

CL. VIII.
Persons becoming owners of unlicensed Boats, after time fixed by Act for taking out Licence, to take out same within twenty days after becoming such owner.

That if any person, except as aforesaid, shall become the owner or possessor of any unlicensed Boat or Canoe during any part of the year, and after the time hereby fixed for taking out a Licence, every such person shall within Twenty days after becoming the owner or possessors of any such Boat or Canoe, take out a Licence and pay duty for the same in manner hereinbefore provided for the residue of the then current year; and every such person failing to comply with the provisions of this Act is hereby declared to be subject and liable to the same Rules, Regulations, Forfeitures, Pains, and Penalties, in all respects, on and from and after becoming such owner or possessor as if he had been such owner or possessor on the day when this Act shall have come into operation: *Provided always*, That nothing herein contained shall render necessary any new or fresh Licence on the change of property in any Licensed Boat.

CL. IX.
Owners of Boats neglecting to take out Licence, or to paint No. of Licence on Boat, or painting No. of Licence on unlicensed Boat, or forging Licence, or knowingly using unlicensed Boat, to pay on conviction, a Penalty not exceeding Twenty Shillings, or to be imprisoned Thirty days.

That if any owner or possessor of any Boat or Canoe liable to pay duty under this Act shall neglect or refuse within the time hereby limited to take out a Licence for the same, or shall neglect or refuse for the space of ten days after any such Licence taken out to paint or cause to be painted the number of such Licence on such Boat or Canoe in manner by this Act directed; or if any person shall paint or cause to be painted any number of any Licence, or any number purporting to be the number of any Licence, on any unlicensed Boat or Canoe; or shall forge or counterfeit any Licence, or knowingly possess or use any forged or counterfeit Licence; or if any person shall knowingly use or let for hire any unlicensed Boat or Canoe, every person so offending shall, on conviction before any two or more Justices of the Peace, pay a penalty not exceeding Twenty Shillings, or be imprisoned for any period not exceeding thirty days.

CL. X.
Taxes to be paid on or before the first day of July yearly, during 1860, 1861 and 1862.

That the several Taxes and Duties hereby imposed and hereby directed to be levied and raised (except the Tax on Boats and Canoes) shall be paid and payable on or before the first day of July yearly and in each of the years one thousand eight hundred and sixty, one thousand eight hundred and sixty-one, and one thousand eight hundred and sixty-two, subject nevertheless to such special provisions hereinafter made in respect of any case where the Assessment shall have been neglected to be made until after the time by this Act fixed, or where the same shall be made after the first day of July.

CL. XI.
Appointment of Assessors.

That for the purposes of this Act, and for making Assessments under the same, the said Colony of St. Vincent shall be divided into eight districts as follows, that is to say:—

District No. 1.—To comprise the Town of Kingstown, and that part

of St. George's Parish lying south of the Vigio Ridge, and the King's Hill.

District No. 2.—That part of St. George's Parish not included in District No. 1.

District No. 3.—The Parish of St. Andrew.

District No. 4.—The Parish of St. Patrick.

District No. 5.—The Parish of St. David.

District No. 6.—That part of Charlotte Parish called the Charib Country.

District No. 7.—That part of Charlotte Parish not included in District No. 6.

District No. 8.—The Grenadines.

That it shall be lawful for the Governor, and he is hereby required, on or before the first day of February in each of the years one thousand eight hundred and sixty, one thousand eight hundred and sixty-one, and one thousand eight hundred and sixty-two, to issue his Warrant appointing Assessors for the said Districts for such years respectively, and the persons so appointed, or any two or more of them, are hereby declared in the several Districts to which they shall be appointed to have all the powers and authorities of Assessors under this Act for the year for which they shall be so appointed, in like manner as if they had been specially named in this Act.

That the Assessors for the Town of Kingstown and District No. 1 are hereby authorized and required to meet for the purpose of making their yearly Assessments at the Court-House in the Town of Kingstown, and the other Assessors shall meet in some convenient part of their respective districts to be settled and fixed and made known in manner hereinafter appointed, except the Assessors for the Grenadines, who shall meet in the Town of the Island of Bequia; and that the days and times and places of meeting shall be fixed and settled by the Assessors or the major part of them, or by any two of them, and if not fixed and settled by the tenth day of February by such Assessors or the major part of them, or by some two of them shall, and may be then, or at any time thereafter, settled by the Assessor first named herein for the District, or to be first named in the Warrant of the Governor appointing Assessors: *Provided always*, That the time and day so fixed shall not in any year be earlier than the first day of March, or later than the first day of April.

That the Assessors in their respective Districts, or such of them as shall act in the execution of the powers hereby to them given, or any two or more of them, shall have power to nominate and appoint a Clerk, to aid and assist in taking the Returns and making up Assessment Lists authorized to be taken and made by this Act; and it shall be the duty of such Clerks respectively to apply to the Treasurer for the purpose of having access to, and taking copies or extracts from, all or any former or previous Assessments made in respect of the Districts to which they shall be respectively appointed, which copies and extracts the said Treasurer is hereby authorized and required to allow to be taken by such Clerks; and such Assessors shall fix the duties to be performed by such Clerks, and shall and may award to them respectively such sum of money as compensation for their services as to them shall seem just, not exceeding the sum of Ten Pounds, which sum so awarded shall be payable under Warrant by the Governor, on production of a Certificate from the Assessors, or any two of them, certifying the sum awarded, and that the duties in respect of which such sum was awarded have been duly and faithfully performed.

That the Assessors under this Act in their several Districts shall, annually during the years one thousand eight hundred and sixty, one thousand eight hundred and sixty-one, and one thousand eight hundred and sixty-two, and at least fourteen days before the day fixed for making their Assessments, cause an advertisement to be inserted at the public expense in the "Gazette" and the several Newspapers of the said Island, giving notice of the time and place by them respectively appointed and fixed for making their Assessments, and requiring the attendance of all persons liable to make any Declaration or Return, or to be assessed under this Act, and the

No. 155.
4th August, 1859.

CL. XII.
Assessors to be appointed by Governor.

CL. XIII.
Meetings of Assessors for making Assessments.

CL. XIV.
Clerks to be appointed by Assessors.

Remuneration not exceeding Ten Pounds to be awarded by Assessors to Clerks.

CL. XV.
Assessors to give fourteen days' notice of time and place appointed for Assessment by Advertisement in the Newspapers, and Notices posted in the Town and Villages of their Districts.

No. 155.
4th August, 1859.

said Assessors shall also cause a printed notice similar to such advertisement to be publicly posted up and exhibited, and affixed to some conspicuous place in each of the Towns and Villages of their district by a Constable, and such advertisement and notice shall be deemed sufficient notice to all persons liable to be assessed under this Act of the time and place appointed for taking the Assessment therein mentioned: *Provided always*, That the said Assessors shall not in their respective districts proceed to make Assessment until they shall be satisfied that such advertisement has been made and such notice given as aforesaid; and the Constable or Constables who shall post up or exhibit such notice shall make a return to the Assessors, stating the day when and the several Towns and Villages where such notice was given and affixed, and shall swear to the same before such Assessors.

CL. XVI.
Assessors authorized
to Assess persons
liable under this Act.

That the Assessors to be appointed under this Act, or any two or more of them in their respective districts, when met pursuant to the provisions of this Act, and after such advertisements and notice given as by this Act directed, shall have and they are hereby invested with full power and authority to assess the several persons in the respective districts liable to be assessed under this Act to the best of their judgment and according to the rules and regulations by this Act provided and imposed, and according to the Declarations made by such persons respectively where any such Declaration shall be made; and when any person shall neglect or refuse to make any such Declaration, the Assessment to be made in respect of such person shall be according to the best of the judgment, information, and belief of the Assessors who shall be acting in the execution of this Act; and every such Assessment shall be final, except in the case provided for otherwise by this Act.

CL. XVII.
Person liable to be Assessed refusing or neglecting to attend before Assessors, or attending refusing to make Declaration, to be Assessed by Assessors.

That if any person liable to be assessed under the provisions of this Act shall neglect or refuse to attend before the Assessors of his district after such advertisement and notice given as aforesaid, or attending shall neglect or refuse to make such Declaration as by this Act is required, such Assessors shall and may proceed to assess such person in such manner and amount as to them shall seem reasonable and just; which Assessment shall be final and conclusive unless the person so assessed in his absence shall have been prevented by illness, or other unavoidable cause from attending before the Assessors; in which case, upon Declaration of such fact before the Treasurer, or his Deputy, at any time before the day fixed for the payment of the amount of Tax by such person, and on a Declaration by such person also made before the Treasurer, or his Deputy, of the amount and particulars in respect of which such person is liable to be Assessed, the Treasurer is hereby authorized to substitute the amount so declared for the Assessment returned by the Assessors, and the Tax which such person shall be liable and called on to pay shall be calculated by the Treasurer thereon accordingly, and shall be deemed and taken for the amount which such person is liable to pay as the Tax for the then current year under this Act.

CL. XVIII.
Assessors, under special circumstances, may issue Summons to require the attendance before them of persons liable to Assessment.

And whereas special circumstances may arise which in the judgment of the Assessors acting in the execution of this Act in any district may render it expedient before assessing a person in his absence to give such person further notice: *Be it therefore enacted*, That it shall be lawful for the Assessors of any district, in case they shall see reason to adopt such a course, to summon any such person to appear before them at any adjourned meeting for the purpose of giving in a Return or making Declaration as by this Act required; and for that purpose to issue a short precept to any Constable in the form next hereinafter set forth marked D, which being served either personally, or by leaving a copy of the same at the place of abode of the party summoned, at least three clear days before the day named for his attendance, if such person shall make default, or attending pursuant to such summons shall neglect or refuse to make a Return or make the Declaration required by this Act, any Assessment made by the Assessors thereafter, if duly made according to the provisions of this Act, shall be deemed final and conclusive.

FORM OF PRECEPT (D.)

By the undersigned, Assessors under "The Income Tax Act, 1859," for the District.

No. 155.
4th August, 1859.

To A. B., Constable.

Summon C. D. to appear before us, on the
day of at , o'clock, at to
make Return and Declaration under "The Income Tax Act, 1859."

Dated the day of } Assessors.
18

That in every case in which a Return or Declaration is required under this Act in relation to any taxable object in which two or more persons jointly are concerned, either as Copartners or otherwise, except in the case of Corporate Bodies and Companies hereinafter provided for, such Return and such Declaration shall be made by such partner, or by such one of such persons as shall be present in the said Government at the time when such Return by or under the provisions of this Act is required to be made or ought to be made on behalf of himself and the other partner or partners, person or persons so jointly interested, whose names shall also be stated in the Return; and if more partners or persons aforesaid shall then be within the said Government, then such Return shall be made as aforesaid by one or other of such parties or persons; and when no partners, and no one of such persons aforesaid, shall be then resident within the said Government, then such Return shall be made by the Attorney or Agent of such partners or persons resident within the said Government, and the Assessment to be made on such Return shall be against such partners or persons jointly.

CL. XIX.
Returns by Copartners, or persons jointly concerned, to be made by one of them if present, or by their Attorney if all absent.

That in every case in which a Return is required under this Act in respect of any taxable objects in which any Company or Body Corporate is interested or concerned, such Return shall be made by the Manager or Acting Manager of such Company or Body Corporate residing in the said Government at the time such Return is required to be made or ought to be made; and such Company or Body Corporate shall be assessed according to the Return made and declared to by such Manager or Acting Manager; and in case [of] such Manager or Acting Manager neglecting to make such Return or to declare thereto, such Company or Body Corporate shall and may be assessed by its known name, or name of Incorporation, in like manner as any person making default is liable to be assessed, and by such name shall and may be included in any Warrant to be issued by the Treasurer to enforce any rates or duties imposed by this Act and in arrear or unpaid.

CL. XX.
Returns by Corporations and Companies to be made by Manager.

That in every case in which a Return is required under this Act in respect of any taxable objects in which any person who shall be under twenty-one years of age shall be interested or concerned, such Return shall be made by the Parents or Guardians of such Infants; and when any such Return shall be required to be made in respect of a Testator's or Intestate's Estate, the same shall be made by the Executor or Administrator; and whenever any such Return is required to be made in respect of any taxable objects under the direction or control of the Court of Chancery, the same shall be made by the Receiver or other Officer of such Court having the custody or charge thereof.

CL. XXI.
Return of taxable objects or income of Infants to be made by Guardian, and of a Deceased's Estate by Executor or Administrator.

That the Assessors of the several Districts acting in the execution of this Act shall, within ten days after their respective Assessments shall be completed, and on or before the first day of May yearly during [the] continuance of this Act, make a Return thereof to the Treasurer, signed by the said Assessors or any two of them: *Provided always*, That no Assessment shall be deemed invalid by reason of any technical objection thereto, or by reason of any delay in the Return or transmission thereof to the Treasurer, provided the persons therein appearing to be assessed had such notice as by this Act is required.

CL. XXII.
Assessors to return Assessments to Treasurer yearly, or on or before the first day of May.

That if any person shall be dissatisfied with the Assessment made on him by the said Assessors, and shall within five days after such Assessment made object thereto by notice in writing left with the Clerk of such Assessors, such Assessors are hereby authorized and required to review their Assess-

CL. XXIII.
Persons objecting to Assessment to give notice to Assessors, who may receive and

No. 155.
4th August, 1859.
alter Assessment, and
examine Witnesses.

CL. XXIV.
Commissioners for
special purposes to be
appointed by Go-
vernor.

CL. XXV.
Duties and powers of
Commissioners.

Proviso.
Any person assessed
may appeal to the
Commissioners on any
day before the day
appointed for the pay-
ment of Duties.

CL. XXVI.
Mode of Procedure on
Appeal to Commis-
sioners.

ment made in respect of such person, and for such purpose to examine on oath all parties who may appear before them to give evidence in reference to the matter of such Assessment, and shall and may, if they shall see cause after such examination had, revise and alter the Assessment by them first made, or confirm the same as to them shall seem reasonable and just, and such Assessment shall be final: *Provided always*, That in case of any person being assessed in respect of the same matter in two Districts, on the Treasurer being satisfied that it is [a] double Assessment he shall have authority to remit one of the said Assessments: *And provided always*, That nothing herein contained shall prevent any person from appealing at any time by petition to the Legislature in respect of any over-assessment made.

That immediately on the coming into operation of this Act it shall be lawful for the Governor to nominate by writing under his hand two fit and proper persons to be Commissioners under this Act, and the notification of the persons so appointed shall be inserted in the Gazette; and in case of any vacancy from death, resignation, absence, or other cause, the Governor may from time to time appoint another or other Commissioners for the like purposes, and such Commissioners shall have and exercise such powers as next hereinafter contained, and every Commissioner, before he shall perform or execute any of the duties or powers vested in him or required by this Act to be by him performed, shall make a Declaration before the Governor faithfully and impartially to execute the duties of a Commissioner under this Act, which Declaration the Governor is hereby authorized to administer.

That it shall be the duty of the said Commissioners at any time after the Assessments to be made under this Act shall have been made and returned to the Treasurer, and prior to the time by this Act fixed for the payment of the Duties hereby granted and directed to be raised, to receive, investigate, and decide on all claims of exemption from Duty under this Act by persons who may have been assessed by the Assessors under the same, or for abatement in the amount in which any person may have been so assessed: *Provided always*, That when any person shall, after Assessment had and made and before the day fixed for payment of the Duties hereby made chargeable, be desirous to appeal from such Assessment, such person so assessed as last aforesaid shall and may Appeal therefrom to the said Commissioners at any time after such Assessment had and before the day fixed pursuant to this Act for payment of the Assessment so made as last aforesaid.

When any person shall be desirous to Appeal from any Assessment made by the Assessors, such person shall, prior to the first day of June, send or deliver to the Treasurer to be laid before the Commissioners a short notice, in the form next hereinafter given or to the like effect, setting forth therein the particulars in respect of which such person shall appeal; and such person shall attend at the Office of the Treasurer on the seventh day after the date and delivery of such notice, at the hour of twelve o'clock at noon, then and there to receive notice of the day fixed by the Commissioners for hearing such Appeal; and on the day so fixed the Appellant shall appear at the said Treasurer's Office to prosecute his appeal before such Commissioners, whose duty it shall be to attend at the time and place in that behalf named to hear and adjudicate on such Appeal; and the Commissioners are hereby authorized and empowered to examine on oath the person appealing, and all persons who may appear before them on such Appeal touching the matters in dispute; and on hearing such Appeal, the said Commissioners shall either confirm the Assessment so appealed from, or if proved to their satisfaction to be an over-assessment to reduce the same to such an amount as to them shall seem reasonable and just; and in the case of an under-assessment, if it shall be so proved, to increase the same in like manner; and such Commissioners shall certify the same in writing to the Treasurer, and in any such Appeal, when the person appealing shall claim exemption from Duty, on [? or] a reduction in the amount of the Assessment, the Commissioners may require such person to produce such evidence as shall prove to their satisfaction such facts as shall entitle such person to the exemption or reduction claimed.

That the Assessors in their respective districts shall and may, when duly met according to the provisions of this Act and as they shall see cause or necessity, adjourn their meetings from day to day or for any number of days, and any proceedings had, or taken by them at any adjourned meeting shall be as good, valid, and effectual as if the same had been had, done, or taken at the first day of meeting: *Provided always*, That when any matter shall be pending before them at any meeting in which any person or persons shall or may be concerned which shall not be determined at such meeting, such Assessors shall, before separating, notify or cause to be notified to such person or persons the day to which the meeting shall be adjourned; and *Provided also*, That whenever any meeting of the Assessors shall be adjourned to a future day, notice shall be given by the Assessors or their Clerk at the place of meeting, by publicly declaring the same, and by affixing a written notice of such adjournment on some conspicuous part of the place in which such meeting shall be held.

That if any Assessor or the Treasurer or other person authorized and required by this Act to do or perform any act, matter, or thing in the execution of this Act, shall refuse or neglect to perform any duty imposed on him by this Act, unless prevented by absence, illness, or other unavoidable cause, to be judged of by the Governor, every such person shall forfeit and pay a sum not exceeding Ten Pounds for every neglect or refusal, to be recovered and applied as hereinafter provided for.

That in case the Assessors to be appointed under this Act shall fail to make the Assessments hereby directed to be made in any District, or to return the same to the Treasurer by the time in and by this Act appointed for the making and returning the same, it shall and may be lawful for the Governor at any time after the day or days on which any such Assessment ought to have been made and returned, but not before, if he shall see cause or necessity so to do from time to time and as often as occasion shall require, to nominate and appoint by warrant under his hand some fit and proper persons to be Assessors for the district or districts, in respect of which such failure shall have been made; which Assessors so appointed or any two of them shall, in their respective districts for which they shall be nominated, have, exercise, and be invested with all and every the powers and authorities by this Act given to Assessors under the same, and shall, and may take and make and return the Assessment required by this Act for the then current year, after giving such notice by advertisement and notices as provided for in the case of the Assessors originally nominated and appointed: *Provided always*, That in order to give time for the making and returning such Assessment, as by this Clause authorized and directed to be made, the taxes and duties payable under the same shall not be leviable or enforceable till the first day of August in the year in which such Assessment as last aforesaid shall have been made.

That the several rates and taxes directed to be raised and levied and made payable by this Act shall, when exceeding Forty Shillings payable by any one person, be payable and paid to the Treasurer at the Public Treasury in Kingstown; and all such rates and taxes, when not exceeding Forty Shillings, shall be payable and paid either as aforesaid, or to the Assessors of the District in which the person assessed is resident, at the option of such person at the time and in the manner next hereinafter mentioned and provided for.

That in order to obviate the inconvenience to parties liable to pay taxes and Assessments of Forty Shillings and under, from [of] coming to Kingstown to pay the same, the Assessors in their respective Districts, at the time of taking the Assessment by this Act directed, or at any time thereafter before such Assessments shall have been returned to the Treasurer, are hereby authorized to receive the said taxes and give discharges for the same; and the said Assessors shall pay over to the said Treasurer the amount of all taxes, rates, or duties received by them under this present provision, at the time of making the Return of their Assessments to the Treasurer, under a penalty of Twenty Pounds for every neglect; and the receipt of the said Assessors for all taxes, payable under this Act, and not exceeding Forty Shillings, shall be a discharge to the person paying the same.

No. 155.
4th August, 1859.

CL. XXVII.
Assessors may adjourn from day to day or for any number of days, giving notices.

CL. XXVIII.
Penalty on Assessors for neglect of or refusal to perform any duty imposed by this Act.

CL. XXIX.
Assessors failing to make a Return of Assessment, new Assessors to be appointed by Governor.

CL. XXX.
Taxes exceeding Forty Shillings, to be paid to Treasurer, not exceeding Forty Shillings, to be paid either to Treasurer or Assessors.

CL. XXXI.
Taxes not exceeding Forty Shillings, payable to Assessors to be paid by them to Treasurer, and their receipt a discharge.

No. 155.
4th August 1859.

CL. XXXII.
Taxes exceeding Forty Shillings, a charge on the lands, &c., of the person, liable to pay same for Twelve months, from time when same payable.

CL. XXXIII.
If Duties not paid, Warrants to be issued by Treasurer to Marshal, to levy the same.

That all sums exceeding the sum of Forty Shillings shall be a charge on the goods, chattels, lands, tenements, and hereditaments of the person by [from] whom such taxes shall be due, and such charge shall take priority of any debt due by any subject by specialty or otherwise: *Provided always*, That such charge shall not be alien on any such lands, tenements, or hereditaments for a longer period than twelve months from the date on which the same were first payable under the provisions of this Act.

In default of payment of the Duties by this Act imposed, it shall be the duty of the Treasurer, within one month from the date on which the same are by this Act payable, in all cases in which the same shall exceed the sum of Forty Shillings, to issue his warrant or warrants under his hand and seal against all persons and estates making default to the Marshal to levy the same; which warrant or warrants shall be in the form of the Schedule next hereinafter contained marked E, and which shall be full authority to the Marshal to make the levy thereby respectively directed, and in the Schedule or Schedules to such warrant or warrants annexed. The Treasurer shall and may include any number of persons and estates, and such warrant or warrants shall be levied in like manner, and the proceedings thereon, and fees payable in respect thereof, and all sales and conveyances had, made and executed in pursuance thereof, shall in all respects be the same, and have the like force and effect, as the like proceedings had or taken on a writ of Execution issued out of the Supreme Court of Judicature of this Island.

SCHEDULE E.

ST. VINCENT.

By A. B. the Treasurer of the Government of the Island of St. Vincent and its Dependencies.

To the Provost Marshal of the Government of the said Island of St. Vincent and its Dependencies, or his lawful Deputy.

WHEREAS the several persons and estates named in the Schedule to this Warrant annexed are respectively liable under "The Income Tax Act, 1859," to pay the respective amounts set opposite to their names in such Schedule: *And whereas*, default hath been made in payment of the same, you are therefore hereby required to levy upon each and every of the said persons and estates in the said Schedule annexed named, such sum of money as shall be sufficient to pay the amount so set opposite to the name of such person or estate in the said Schedule, together with the costs attending such levy and any sale consequent thereon, and you are hereby required to levy the same on the respective goods and chattels, lands, tenements, and hereditaments of the persons in the said Schedule named, and on the Goods and Chattels, Stock, Implements and Utensils of the respective Estates in the said Schedule named; and the same you are hereby to sell in the like manner, and at the same time as if the same had been levied by virtue of Execution issued out of the Supreme Court of Judicature of the said Island; and of your proceedings herein you are to make a final return to me in six months from the date of this my Warrant.

Given under my hand and Seal at Kingstown, in the said Island, the day of one thousand eight hundred and

A. B. Treasurer.

CL. XXXIV.
Marshal to make return to Treasurer of his proceedings on Warrants.

The Provost Marshal shall, previously to the final notice, make a return in writing to the Treasurer of his proceedings on the said Warrant, and of all moneys collected and received by him under the same, within thirty days after the receipt by him of such Warrant, and so and in like manner a return shall be made every thirty days until the said Warrant is by the terms and tenour thereof returnable, when the said Marshal shall make a final return on the said Warrant, as hereinafter mentioned, and shall lodge the same with the Treasurer: and all moneys received by him the Provost Marshal under such Warrant shall be paid over to the Treasurer, every thirty days as aforesaid, at the time of making his return as aforesaid.

The said Warrant shall be finally returned by the Provost Marshal to the Treasurer on the return day thereof, with a full return of his proceedings thereon in the case of each person and estate therein included, together with a list of all moneys received by him under the same; and all moneys then remaining in his hands shall be paid over by the Marshal to the Treasurer at the time of making such return, under pain of answering double the amount retained in the hands of the Marshal to Her Majesty the Queen, her Heirs and Successors, to be recovered by action of debt in the Supreme Court of Judicature of the said Island.

If from any cause any amount directed by such Warrant to be levied against any person or estate shall not have been levied or paid at the time of the Return thereof as aforesaid, it shall be lawful for the Treasurer, and he is hereby authorized and required, in all cases where by the Return made by the Provost Marshal it shall appear expedient or advisable so to do, on or any time after the return-day of such Warrant, and after the same shall have been so returned to him as aforesaid by the Marshal and been so returned from time to time at the expiration of every six months during the continuance of this Act, to issue another, or an *alias* or *pluries* Warrant or Warrants, as the case may be, in the form hereby provided against all persons or estates who shall not have paid the Duty by them respectively payable, and the proceedings on all Warrants issued after the return of such first Warrant shall be the same as on the Warrant first issued; *Provided always*, That if the nonpayment or non-receipt of any sum included in any such Warrant shall happen through the wilful default of the Marshal, to be determined by the Governor, he shall be liable to make good the same to Her Majesty, her Heirs and Successors; but nevertheless such Warrants as hereinbefore provided may be issued by the Treasurer to enable the said Marshal to reimburse himself any sum for which he shall be so made liable; *And provided also*, That all such duties as shall be assessed or charged under the provisions of this Act, if not paid, levied, or collected during the continuance of this Act according to the directions herein contained, shall and may be recoverable at any time thereafter as a debt due to the Queen's Majesty, with full costs of suit; *And provided also*, That if at any time, from any inadvertency or unavoidable accident, or from any other reasonable cause except for wilful neglect or wilful default, the Treasurer shall omit to insert the name of any person in any such Warrant to be so issued by him as aforesaid, he may and he is hereby required by and with the approbation of the Governor, if the Governor be satisfied that any such name has been omitted from inadvertency or unavoidable accident or any other reasonable cause, issue any other such Warrant or Warrants as occasion may require.

That if the Provost Marshal, or his lawful Deputy shall not immediately be supplied by the person levied on with Carts, Horses, or Cattle to carry away *such what* [?] shall be levied on, the Provost Marshal, or his Deputy may, without further Warrant, press Carts, Horses, Cattle, and Boats to convey the same to the place of sale, and [?] to pay a reasonable hire for the same to be deducted from the said sales.

That for and in respect of all Taxes, not exceeding Forty Shillings, which shall not be paid at the time appointed for payment thereof, the Treasurer shall, within one month from the time when the same are payable, make out separate lists for each District of the defaulters, with the amount for which each defaulter shall be liable set opposite the name of each person and estate liable as aforesaid, and shall forward such lists as aforesaid to one or more Justices of the Peace of the respective Districts, in whose District such defaulters or estates shall be; and such one or more Justices of the Peace respectively shall, within twenty days after receipt by them of such lists, issue their Warrant or Warrants, in the form in the Schedule F next hereinafter set forth, to any Police or other Constable or Constables authorizing and directing them respectively to levy upon and sell the Goods and Chattels of all such of the said defaulters as shall be included in a Schedule or List of such Warrant or Warrants annexed, and any number of persons and estates may be included in such Schedule or List.

No. 155.
4th August, 1859.

CL. XXXV.
Marshal to return Warrant to Treasurer, and pay over Moneys received on Return day thereof.

CL. XXXVI.
If Moneys included by Warrant be not paid, alias and pluries may be issued.

CL. XXXVII.
Marshal empowered to press Carts, &c., for removal of Goods levied on.

CL. XXXVIII.
Treasurer to make out Lists of Defaulters in each District, and shall forward such Lists to Justice or Justices of the Peace, in whose District such defaulters shall be, who shall issue their Warrant or Warrants, according to Schedule F, within twenty days after receipt thereof.

No. 155.
4th August, 1859.

SCHEDULE F.

ST. VINCENT.

To C. D. or any Police or other Constable for the District.

WHEREAS under and by virtue of an Act of the Legislature of the Island of St. Vincent and its Dependencies, to be cited as "The Income Tax Act, '1859," the several persons and estates named in the Schedule or List here-to annexed are liable to pay the several sums of money in the said Schedule or List appearing or set opposite to the name of such several persons or estates respectively: *And whereas*, default hath been made in payment of the same, THESE are therefore, by virtue of the provisions of the said recited Act, to authorize and require you the Constable above named, or any other Constable, to demand payment, and on refusal or neglect to pay, to levy upon and sell pursuant to the directions of the said Act so much of the goods and chattels of the said several persons and estates respectively as shall be sufficient to satisfy such amounts respectively, together with the costs of removal and such other costs as are by the said recited Act allowed in that behalf; and of your proceedings herein, you are to make a first return within twenty days, and a second and subsequent return within twenty days after each previous return until this Warrant is fully satisfied.

Given under hand and seal this day of
one thousand eight hundred and

CL. XXXIX.
Constable shall levy,
&c.

That any Constable to whom such Warrant is directed, or any other Constable, shall and may in virtue thereof levy upon and seize, and carry or caused to be carried to the nearest Police Station and there sold to the highest bidder, the Goods and Chattels of the person or several persons or estates included in the Schedule or List to any such Warrant annexed, sufficient to satisfy the sum specified in such Schedule or List as payable by such person or estate, together with the cost of removal of such Goods and Chattels, and a fee of Two Shillings and Sixpence for all sums not exceeding Ten Shillings; Five Shillings for all sums not exceeding Twenty Shillings; and on all sums exceeding Twenty Shillings, seven Shillings and Sixpence, for making such levy and sale; and every such Constable shall, within twenty days of the receipt of such Warrant, make a Return thereof to the Justice or Justices by whom the same shall have been issued, and shall then pay over to such Justice or Justices the moneys by him received under the same; and if all moneys thereby directed to be levied shall not then be paid or received, a second Return shall be made, and the amounts received shall be paid over as aforesaid in twenty days from such first Return; and so every twenty days thereafter until the whole amount is received and the Justice or Justices to whom any money shall be so paid by such Constable or Constables shall pay over the same to the Treasurer within seven days after the receipt thereof by him under a penalty of Twenty Pounds for such neglect or refusal; *Provided always*, That if upon demand made by such Constable the sum leviable under the Warrant aforesaid shall be paid without levy, the Constable shall be entitled to demand, and if necessary enforce by levy a fee of Two Shillings and Sixpence from the person liable to pay the Tax so paid on demand.

CL. XL.
Parents and Guardians
liable for Infants and
Executors for De-
ceased persons.

That when any person liable to the Taxes and Duties charged in and by this Act shall be a Minor, or shall die, the Parents or Guardians of such Infant, and Executors or Administrators of the person so dying shall be, and the same are hereby declared to be, liable to and chargeable with the payment of such sum or sums of money as such Infant or person dying ought to have paid or was chargeable with; and in default of payment such Parents or Guardians and Executors or Administrators, as the case may be, shall and may be proceeded against and included in any Warrant to be issued, or by this Act is provided for enforcing payments of the rates and duties under this Act, in like manner as any other person making default in payment, and all such Parent or Guardians, Executors or Administrators shall be allowed all payments made by them under this Act in preference to any other claim or demand whatsoever.

That the Treasurer, or his lawful Deputy, Justices of the Peace, and the Assessors appointed under this Act or to be appointed under this Act, shall be and are hereby respectively authorized and empowered to administer all or any Oaths or Oath, and to take and receive the several Declarations herein directed to be taken or made.

That every person who upon any examination upon Oath shall swear falsely, or, where a Declaration is by this Act required to be made, who shall wilfully and corruptly make or subscribe any false Declaration, knowing the same to be untrue, shall be deemed guilty of Perjury, and shall, on conviction, be liable to the penalties of Wilful and corrupt Perjury.

That in all cases where a Declaration is by this Act required to be made or taken, and no express form is prescribed, the form of Declaration contained in the Schedule G hereinafter set forth shall be the form of Declaration to be made or taken.

SCHEDULE G.

Form of Declaration.

I, A. B., do solemnly and sincerely declare that [*according to the fact*], and I make this declaration, conscientiously believing the same to be true, and according to the provisions of an Act of this Island, to be cited as "The Income Tax Act, 1859."

That all Fines, Penalties, and Forfeitures imposed by this Act shall be to Her Majesty, her Heirs and Successors, and shall be paid to the Treasurer for the public uses of this Government, and shall and may be recovered on Summary Conviction before any two Justices of the Peace, and the mode of proceeding shall be according to "The Summary Procedure Act, 1853."

That any prosecution instituted against any person for the commission of any offence against the provisions of this Act shall be commenced within one year from the time of the offence committed, and not afterwards.

That the Governor is hereby authorized and requested to cause to be printed, at the public expense, all necessary forms under this Act, and to grant his Warrant for payment of the same.

No. 155.
4th August, 1859.

CL. XLI.
Treasurer, Justices, and Assessors, authorized to take Declarations, and administer Oaths.

CL. XLII.
Persons swearing or declaring falsely, guilty of Perjury.

CL. XLIII.
Form of Declaration.

CL. XLIV.
Fines, Penalties, and Forfeitures, to be paid to the Treasurer, for the Public uses of the Government, and may be recovered under "Summary Procedure Act, 1853."

CL. XLV.
Prosecution to be commenced within one year of Offence committed.

CL. XLVI.
Governor authorized to grant his Warrant for sum not exceeding Fifteen Pounds for Forms required under this Act.

No. 156.

An Act to provide for the Payment of Musical Instruments for the use of the Band of the Kingstown Volunteer Infantry Corps.

[23rd November, 1859.]

WHEREAS a Volunteer Infantry Corps, entitled "The Kingstown Volunteer Corps," has been established and enrolled for the Kingstown Police District, under the provisions of "The Volunteer Infantry Corps Act, 1857:" And whereas, in order to provide for the purchase of Instruments for the use of the Band of the said Corps a sum of Seventy-three Pounds was raised by public subscription towards forming a Band and providing Musical Instruments for the same: And whereas thereupon certain Instruments were purchased, the cost of which exceeded the amount subscribed by the sum of One Hundred and Fifty Pounds or thereabouts, which sum it is deemed expedient to pay from the public funds; Be it enacted by the authority of the Governor, Council, and Assembly of the said Island of St. Vincent and its Dependencies:—

The Governor is hereby authorized to draw from the Public Treasury a sum not exceeding One Hundred and Fifty Pounds for or towards payment of good and sufficient Instruments for the use of the Band of the said Volunteer Corps.

Such sum shall be made payable to the Commanding Officer of the said Corps or his order, upon his lodging an inventory of such Instruments with the Members of the Administrative Committee or one of them, and upon the said Committee being satisfied of the goodness and sufficiency of the Instruments.

Upon payment being made from the Public Treasury as aforesaid, the

Preamble.

CL. I.
150l. to be paid towards purchase of Band Instruments.

CL. II.
150l. when payable.

CL. III.
Property in Instru-

442 *Towards providing Instruments for the Kingstown Volunteers' Band.*

No. 156.
23rd November, 1859.
Instruments in whom
vested.

property in the said Instruments shall thereupon become vested in the Treasurer of the said Island and the Commanding Officer of the said Kingstown Volunteer Corps and their respective Successors, as Trustees for the public use, but it shall be lawful for the Governor in Council from time to time, as occasion shall require, to make any rule or regulation for the order and disposition of the said Instruments, and any such Rule or Order shall be of the same force as a Rule or Order made under the authority of "The Volunteer Infantry Corps Act, 1857:" *Provided always*, That if the said Corps should at any time cease to exist the property in the said Instruments shall thereupon become vested in the said Treasurer solely and his Successors as Trustees for the public use and benefit, and shall be disposed of by the Treasurer accordingly as the Administrative Committee, if any, shall from time to time direct; and if there shall be no Administrative Committee then as the Governor shall direct.

CL. IV.
When Corps shall
cease to exist.

The said Corps shall, for the purposes of this Act, be deemed as having ceased to exist if it shall at any time cease for the space of one year to perform its functions as directed by the provisions of the said "Volunteer Infantry Corps Act, 1857."

Short Title of Act.

This Act may be cited as "The Volunteer Band Act, 1859."

No. 157.

An Act to provide for the Monthly Payment of the Salaries of Public Officers.
[23rd November, 1859.]

Preamble.

WHEREAS it is deemed desirable for the Public Service that all Public Officers should for the future receive payment of their salaries by the month: *Be it enacted* by the Administrator of the Government of the Island of St. Vincent and its Dependencies, and by the Council and Assembly of the same:—

CL. I.
After 1st January,
1860, Treasurer to pay
salaries Monthly.

That after the first day of January, one thousand eight hundred and sixty, the Treasurer shall and he is hereby required to pay on the First Day of every Month the Salary of all Public Officers now or heretofore in the receipt of any Salary or Stipend from the Government of this Colony under any Act or Law of this Island, and such payment shall be made and taken in satisfaction of the Salary due for the Month expiring previously to such payment, or of any proportion of a month, as the case may be: *Provided always*, That nothing herein contained shall be construed to prevent any Public Officer from allowing his salary to remain in arrear for any time he may think fit, and from receiving payment of such Salary in arrear at any time upon application for payment thereof.

Proviso.

CL. II.
Governor to issue
Warrants accordingly.

The Governor shall issue all Warrants to the Treasurer for payment of the Salaries and Stipends of all Public Officers of this Government, so that the same may be paid in accordance with the terms contained in the first Clause of this Act.

CL. III.
Month to mean Cal-
endar Month.

The Month mentioned throughout this Act shall mean a Calendar Month.

CL. IV.
Short Title of Act.

This Act may be cited as "The Monthly Payment of Salaries Act, 1859."

No. 158.

An Act to Amend "The Immigration Act, 1857."

[24th November, 1859.]

[Further Amended by
Act, 15th July, 1861.]

Preamble—Recites
53rd Clause of "Immi-
gration Act, 1857."

WHEREAS by the fifty-third Clause of "The Immigration Act, 1857," it is amongst other things enacted and provided that every Immigrant from Her Majesty's dominions in the East Indies, or from the possessions of the East India Company, who shall arrive in this Colony and who shall have acquired a certificate of Industrial Residence, shall be entitled at the expiration of ten years from the time of such arrival to be provided with a back passage to the

port from which he sailed at the expense of this Colony: *And whereas* it is deemed expedient to grant such back passage at the expiration of eight years instead of ten years, from the time of arrival: *Be it therefore enacted* by the Governor, Council, and Assembly of the Government of St. Vincent:—

That every such Immigrant as aforesaid, shall be entitled at the expiration of Eight years from the time of his arrival in this Colony to a back passage on the terms and conditions contained and set forth in the said fifty-third Clause of the said "Immigration Act, 1857;" and so much of the said Clause as provides that such back passage shall not be provided until after Ten years' residence shall be and the same is hereby repealed.

On the arrival of each Coolie Immigrant Ship, it shall be the duty of the Immigration Agent to make a classification of the Immigrants as follows:—

1st Class.—All Immigrants of the age of sixteen years and upwards.

2nd Class.—All Immigrants of the age of eight years, and under sixteen years.

3rd Class.—All Children under the age of eight years.

The Immigration Agent must be guided by his own judgment, after inspection, in determining the ages of the Immigrants.

The wages to be paid to Coolie Immigrants of the first class shall in no case be less than Ten Pence a day, for which the labourer will be expected to perform nine hours' work, it being understood that if any labourer shall perform the ordinary task of the un-indentured labourers on the Estate in less than nine hours, such task shall be considered a day's work, and that if the Coolie labourers are able to undertake heavy work they shall be paid such higher rate as is paid to the Creole labourers employed in such heavy work. The wages to be paid to Coolie labourers of the second class shall in no case be less than Five Pence a day, it being understood that if more than one half of the ordinary task of the Estate be performed by such labourer he or she shall be paid in proportion to the Coolie labourers of the first class, and if a full task be performed full wages shall be paid; the children in the third class shall not be compelled to labour without the concurrence of their parents or protectors, unless with the express permission of the Immigration Agent. They shall in no case be paid less than Three Pence per day. Labourers who may work extra hours shall be paid at the rate of Two Pence per hour.

Returns must be given to the Immigration Agent when required, containing full information regarding the Coolie labourers, and it will be his duty to give preference in allotting the Immigrants to those Estates where the highest wages are paid, and where there is the least dissatisfaction among the Immigrants.

In all cases the rate of wages payable to each Immigrant shall be made to appear on the Pay List of the Estate.

And whereas it is necessary to alter the form of Indenture to be entered into between employers and Immigrants: *Be it therefore enacted*, That so much of "The Immigration Act, 1857," as consists of and is contained in the Schedule B to the said Act annexed shall be and is hereby repealed and annulled, and in lieu thereof, the form of Indenture annexed to this present Act by way of Schedule is hereby declared to be the form of Indenture hereafter to be used and entered into between Employers and Immigrants under the said recited Act, and whenever in the said recited Act, or in any Act amending the same, the said form of Indenture contained in the said Schedule B, annexed to the said recited Act, or the said Schedule B, shall be mentioned or referred to, the same shall be deemed to have reference to and to mean the form of Indenture given by this present Act and to the Schedule to this present Act annexed.

This Act may be cited as "The Amended Immigration Act, 1859."

No. 158.
24th November, 1859.

CL. I.
Immigrant from India entitled to back passage after Eight years' residence.

CL. II.
Immigrants to be classed.

CL. III.
Rate of Wages to be paid to Coolie Immigrants.

CL. IV.
Return by Immigration Agent of particulars relating to Coolie Immigrants.

CL. V.
Rate of Pay to appear on Pay List of Estate.

CL. VI.
Repeals and annuls Schedule B to Immigration Act, 1857, containing Form of Indenture, and substitutes Form of Indenture given in Schedule to this present Act.

CL. VII.
Short Title.

B.—SECTION 6.

ST. VINCENT.

Be it remembered, That on this
the year of our Lord 18 , A. D., of

day of , in
, and C. D., of

No. 158.
24th November, 1859.

appeared before me *E. F.*, Immigration Agent, of the Colony of St. Vincent, and in my presence signed their names or marks [*as the case may be*], to the following Contract of Service :—

The said *A. B.* agrees to hire the services of the said *C. D.*, and the said *C. D.* agrees to render to the said *A. B.*, his heirs, executors, administrators, or assigns, services in the capacity of an Agricultural Labourer, for the term of _____ years, commencing on the _____ day of _____, in the year 18 ____ . And it is further agreed between the said parties, That the said *C. D.* shall be employed by the said *A. B.*, his heirs, executors, administrators, or assigns, on Plantation _____. And it is further agreed, That the said *A. B.*, his heirs, executors, administrators, or assigns shall pay to the said *C. D.*, as such Labourer aforesaid, wages at and after the rate of _____ sterling money, for every working day of nine hours, and that such wages shall be paid in cash monthly, and shall also provide the said *C. D.* with such lodging, provision, grounds, and other necessaries as are or shall be required by law or by the Rules and Regulations governing the same ; And it is further agreed, That in the event of the said Plantation being sold, the said *C. D.* shall serve the purchaser thereof, his heirs, executors, administrators, or assigns, and shall be paid wages by the said purchaser, his heirs, executors, administrators, or assigns in conformity with this Contract.

A. B. C. D.

The preceding Contract was signed by the above-named parties in my presence on the day and year above written, voluntarily, the same being, as far as I am able to judge, fully understood by them respectively.

E. F.

Immigration Agent.

MEMORANDUM.

* The rate of Wages to be here inserted shall not in the case of a First-Class Labourer be less than at the rate of Ten Pence Sterling per working day, in the case of a Second-Class Labourer Five Pence, and in the case of a Third-Class Labourer Three Pence.

No. 159.

[See further Amending Acts, 13th January, 1860, and 15th September, 1860.]

An Act to Amend an Act, intituled "An Act for the Election of Townwardens, and for the Regulation of the Town of Kingstown."

[22nd December, 1859.]

Preamble.

WHEREAS by an Act of this Island passed the eighth day of April, one thousand eight hundred and forty, intituled "An Act for the Election of "Townwardens, and for the Regulation of the Town of Kingstown," it is enacted that at the time mentioned in the said recited Act, Six Townwardens for the Town of Kingston shall be elected every year to serve as such for one year ; And whereas it is found that six is an inconvenient number of Townwardens, and it is expedient to reduce the number to Three and no more : *Be it enacted* by the Governor, Council, and Assembly of the Government of the Island of St. Vincent and its Dependencies :—

CL. I.
Repeals such part of Townwardens Act as fixes the number of Townwardens.

That so much of the said recited Act as fixes the number of Townwardens for the said Town of Kingstown shall be and the same is hereby repealed.

CL. II.
Three persons to be Elected annually as Townwardens for the town of Kingstown.

That on all future Elections of Townwardens for the Town of Kingstown Three persons shall be chosen and returned to serve as such for the year ensuing ; and, when chosen and returned according to the said recited Act, such three persons shall be competent to act as Townwardens for the Town of Kingstown and shall have and exercise all and singular the powers, privileges and authorities given and exercised by the Townwardens mentioned in the said recited Act, or any four of them, under and by virtue of the said Act.

CL. III.
Short Title of Act.

That this Act may be cited as "The Amended Kingstown Townwardens Act, 1859 ;" and the said Act passed in the year one thousand eight hundred and forty, as "The Kingstown Townwardens Act, 1840."

No. 160.

An Act to Repeal an Act, entitled "An Act for keeping in Repair the Highways and Public Roads in the Island of St. Vincent," and to make other Provisions in lieu thereof. [22nd December, 1859.]

BE IT ENACTED by the Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, as follows:—

Preamble.

That the Act, entitled "An Act for keeping in repair the Highways and Public Roads in the Island of St. Vincent," shall be and the same is hereby repealed.

CL. I.
Repeal of former Act.

The Governor, in the month of January in each year, shall nominate and appoint for each of the Parishes in this Island, and for the Grenadines, three fit and proper persons resident in the Parish and Grenadines to be Waywardens for the year, and the publication of their names in the 'Official Gazette' of the Island shall be a sufficient notice of their appointment, and any two of the Waywardens so appointed shall be competent to do any act and exercise any power under this Act; and every Warden so appointed shall be liable to be dismissed by the Governor at any time for misconduct or neglect of duty; and, for the purposes of this Act, Charlotte Parish shall be divided into two, that portion lying North of Byera River to be called North Charlotte, and that part lying to the Southward of Biera River to be called South Charlotte Parish: *Provided always*, That the present Waywardens shall continue to act until their Successors are appointed.

CL. II.
Appointment of Waywardens.

Two may Act.

Should any vacancy occur during the year by the death, removal, dismissal, or refusal to act of any Waywardens so appointed, the Governor shall appoint others in their room.

CL. III.
Vacancies of Waywardens, how filled.

The said Waywardens shall report the state and condition of the roads in their respective Parishes to the Governor at the end of each Quarter, to be laid before the Legislature at its next quarterly meeting, pointing out the localities where bridges or other improvements are required the cost of which will exceed Fifty Pounds.

CL. IV.
Waywardens to Report on Roads.

And in order to determine which shall be the Public Highways to be repaired at the public expense; *Be it enacted*, That the Public Highway to Windward shall commence at the turn of Upper Long Lane in Kingstown, and terminate at the Tourama Ravine, as a carriage road, and thence to the Fancy Estate, as a bridle road; and the Public Highway to Leeward shall commence at the Hospital in Kingstown, and terminate at the works on Wallibou Estate; and also the Road turning off at the works of the Arno's-Vale Estate up to the Warrowarou Valley, and, through the Fountain Estate Negro-houses, up to the top of the Vigie Hill, and thence going through the Evesham Vale and Dumbarton Estate out by the Charib Pass, and through Yambou Vale and Peruvian Vale Estates, joining the Public Road at the works of the last-mentioned Estate; and also from the Northern boundary of Kingstown to Fort Charlotte, and to the Commissariat Stores in New Edinburgh.

CL. V.
Public Highway defined.

The Waywardens, in their respective Parishes, shall exercise a general supervision over the Public Roads, and keep the same in due and proper order and width as required by Law; and for that purpose they shall visit and inspect the Highways in their respective Parishes, so that every part of the said Highways shall have been visited and inspected by some one or more of them in each quarter during the year.

CL. VI.
Waywardens to Inspect and visit Roads.

That all Highways and Roads repaired at the Public expense, where by nature practicable, shall be twenty feet wide, including the lateral trenches, and where any Public Road shall require to be made of such width the same shall be widened in such manner as the Waywardens shall direct, and remuneration shall be made to the Proprietors of the soil encroached on for the purpose of widening such road; the amount of such remuneration to be awarded by four Freeholders, two to be chosen by the Waywardens and two by the party proprietor of the soil, such Freeholders to choose a fifth Freeholder if they disagree, and in case of disagreement such remuneration to be then determined by a majority of the five Freeholders so chosen, which

CL. VII.
Width of Highways.

No. 160.
22nd December, 1859.

Compensation for
Widening Roads.

Waywardens not to
pull down Houses.

Appeal allowed to the
Police Magistrate.

CL. VIII.
Diagram to be made
of Land taken to
Widen Road.

To be good evidence
of Title.

Proviso.
Where dispute shall
arise on Title.

CL. IX.
Diagram of Aban-
doned Land, &c.

CL. X.
Provisions for turning
Highways in a new
direction.

shall be binding and conclusive on the Proprietor of the soil so encroached on; and a certificate of the amount awarded shall be signed by the majority of such Freeholders, and delivered under their signatures to the Waywardens of the Parish to be by them forwarded to the Governor, which shall be an authority for a warrant to the Treasury to pay the amount to the Proprietor or Proprietors of the soil encroached upon in the proportions stated in such certificate: *Provided always*, That nothing herein contained shall extend to enable the Waywardens to pull down any house or building; *And provided also*, That if any person whose soil shall be thus encroached on for public purposes shall be dissatisfied with the amount awarded upon appraisalment as hereinbefore provided, it shall be lawful for him to appeal from such appraisalment and award to the Police Magistrate of the District, or two Justices of the Peace, and such proceedings as hereinafter provided shall be therefore had.

That whenever and so often as it shall happen that land, being private property, shall under the provisions of this Act be taken to widen or from any Public Road, a Diagram or plan thereof, made by the Crown and Colony Surveyor, if any, and if none then by any other Surveyor to be employed for that purpose, shall be made, and the same together with the receipt of the person authorized to receive the amount awarded in respect thereof, or of the Secretary of the Supreme Court, in the case hereinafter mentioned, shall be lodged in the office of the Register of Deeds, to be recorded there at the expense of the Public, and such Diagram and receipt shall be good evidence of the Public right to such land: *Provided always*, That where doubt or dispute shall arise by reason of the state of the title to such Land as to the person entitled to receive the amount awarded in respect thereof, a public notice shall be inserted in the Gazette, or if no Gazette then in any other newspaper of the said Island, stating the amount payable and the land in respect of which the same is payable, and the amount shall be paid into the Supreme Court of Judicature; and the receipt of the Secretary of the Court shall be a sufficient receipt and warrant to the Registrar to record the same with the Diagram aforesaid, and the amount so paid into Court shall be paid to such person or persons as on application to the said Court by motion shall satisfy the said Court [*that*] he, she, or they, are entitled thereto, and shall obtain an order for that purpose.

If it shall happen that, on laying out any new road or turning an old road in a new direction under this Act, any old road may be abandoned, a Plan or Diagram thereof shall be made in duplicate by such Surveyor as aforesaid, and it shall be lawful for the owner of the land through which, or adjacent to which, the said old road may pass to resume or enter on and take possession of the same on payment to the Public Treasurer of such sum of money as the persons who shall assess the value of the new road shall consider and certify to be the value of such old road; and such certificate and one copy of the Diagram shall be deposited with the Treasurer, and shall be a warrant to the Treasurer to receive the amount, and the Treasurer's receipt, together with the Diagram of the Surveyor as aforesaid, which shall be delivered to the person paying such amount, shall be good evidence of the right and title of the person paying such amount to the land in question.

That when the Highways or Public Roads shall happen to be washed into ruts by great rains or otherwise rendered impassable and incapable of being mended, it shall be lawful for the Waywardens, with the concurrence of five Freeholders or Tax Payers on any amount not less than One Hundred Pounds to be chosen as hereinafter mentioned to turn the highway or Public road into such new direction as may be deemed proper, and the said Freeholders or Tax Payers, shall be chosen as follows:—Three by the Waywardens, and two by the party through whose land the road is to be turned; and if the person shall be unknown in whom the Title shall be, or if the same be in dispute, or if the person entitled cannot be immediately and at once ascertained, the person in the actual possession of the land shall be deemed for the purposes of the Act to be the person entitled; and if the said party shall not appoint such Freeholders, or those chosen shall not attend, the remaining

three Freeholders shall proceed to appraise the said land and damage which the owners or possessors, or either of them, shall sustain by the Highway or Public Road being made through the said lands, and shall report the same under their hands to the Governor, which Report shall be sufficient to authorize the issue of a warrant to the Treasurer to pay the amount so certified, and it shall be at all times lawful for the Waywardens, or for any Contractor of Roads as hereinafter mentioned, with their sanction, to make convenient sluices or drains for carrying off water from the Highways and Public Roads into any adjoining lands without being liable to action or molestation for the same: *Provided always*, That where houses or gardens may intervene, and it is impracticable to carry off such water in any other direction, and any injury shall ensue thereby, the damage shall be ascertained, certified, and paid for in the same way as in cases where it may be found necessary to turn roads in a new direction.

That if any person through or over or into whose lands it shall be proposed, under the provisions of this Act, to cut or turn any Public Road shall be dissatisfied with the award or appraisal made as hereinbefore directed, such person may within one Calendar Month after such award apply to the Police Magistrate of the District, if any, and if there shall be no Police Magistrate to any two Justices of the Peace, who shall on an application to him or them made in writing for that purpose, issue a warrant under his or their hand and seal or hands and seals, for summoning and empannelling on the tenth day after the date of the warrant a Jury consisting of Five Freeholders of the Parish, having Freeholds of the annual value of Ten Pounds at the least, and such Jury shall have power to assess upon oath the sum to be awarded for any damage or injury to be sustained by any such enlargement of or cutting the Public Road through or into the lands in question. *Provided always*, That notice shall be given to the Waywardens of the Parish by the person making such application of the intended assessment five days before the day fixed for the same, and such Jury shall be sworn to make assessment by such Police Magistrate, or either of the two Justices present, on such Magistrate or Justices being satisfied of the due service of the notice aforesaid, and the form of Oath shall be as follows:—

You shall well and truly, and to the best of your skill and judgment, assess the damages in the matter referred to you by [*A.B. the party on whose application the Jury is summoned*] wherein the Public and Government of St. Vincent on the one hand, and the said [*A.B.*] on the other hand, are interested and concerned in the matter of the Public Highway, under "The Highway Act, 1859," without fear, favour, or partiality. So help me God.

And the Jury shall assess the damages aforesaid upon view of the land in question, and the Magistrate or Justices shall certify such assessment on the said warrant, and the same shall be signed by the Magistrate or Justices, and the warrant so endorsed shall be filed by the Magistrate or Justices in the office of the Registrar of Deeds, and the amount so assessed shall be conclusive on all parties, and be taken and deemed to be the amount of damages sustained and to be payable by the Public to the party damaged; and on payment or tender of payment of the amount so awarded and assessed to the person entitled to receive the same, or on payment into Court, as the case may be and as hereinbefore provided for in case of dispute or doubt, the land so laid off for the Public Road shall be deemed and taken and for ever afterwards made use of as a Public Road and Highway to all intents and purposes whatsoever.

That if any Freeholder duly summoned as aforesaid five days before the day fixed for his attendance shall neglect to appear, or appearing shall refuse to be sworn, or shall refuse or neglect after being sworn to perform the duty by this Act in such case required, unless upon lawful and sufficient excuse to be allowed by the Magistrate or Justices under whose warrant he may have been summoned, he shall forfeit and pay a penalty of Five Pounds: *Provided always*, That every person so summoned shall have five days' notice of the time and place when and where to attend, and shall be entitled to receive from the Public the sum of Ten Shillings for his attendance and performance of the duty aforesaid, to be paid by the Treasurer under warrant by the

No. 160.
22nd December, 1859.

Waywardens may
make Drains, &c.

Proviso.
Compensation for
Damage by Drains.

CL. XI.
Owners of Land may
Appeal against Ap-
praisalment.

Proceedings on Ap-
peal.

CL. XII.
Penalty on Free-
holders neglecting to
serve, &c.
Proviso—Freeholders
to have notice.

No. 160.
22nd December, 1859.

CL. XIII.
Cost of Alterations of
Roads exceeding 100l.
to be sanctioned by
Legislature.

CL. XIV.
Encroachments on
Highways how dealt
with.

CL. XV.
Provision for Opening
Quarries, &c.

CL. XVI.
Punishment for Injur-
ing Public Roads or
Works thereon.

CL. XVII.
Trees overhanging
Road how to be re-
moved.

Governor; and the Magistrate or Justices before whom such proceedings are had shall certify the same to the Governor, with the names of the persons who shall have served as Jurors, which shall be sufficient authority for payment to them of the amount aforesaid.

That no alteration or diversion of any Public Roads already existing, and no new Public Roads shall be made or commenced under the authority of this Act, if the same shall be at a cost to the Public exceeding One Hundred Pounds in any one Parish, in any one year, without a Report first made to the Legislature of the intended alteration or diversion of every such old road, or forming and making every such new road, and Legislative sanction first had and obtained.

That if any Public Highway shall be encroached upon, or manure, trash, or any other thing placed thereon or in any trenches thereof, to the hindrance of the traffic and passage on the said road, or obstruction of such trench or the free passage of water therein, the same shall be deemed a Public Nuisance, and the Owner or Manager of the Estate, where the lands of the Estate adjoin the Public road on which any such offence is committed, shall be liable to a penalty not exceeding Ten Shillings for any such offence, and to a further penalty of Ten Shillings for every twenty-four hours after the first that such Nuisance shall continue and remain unabated, unless such Manager or Owner shall prove to the satisfaction of the Magistrate that such encroachment was made, or manure, trash, or other thing placed in the said road or in the trenches by some other person and without his order, consent, or knowledge; and in such case, and also when the road does not adjoin an Estate, the party by whom the offence was committed shall be liable to the like penalties: *Provided always*, That it shall be lawful for the Waywardens, or any Contractor, or any person acting under their authority or that of the Administrative Committee, forthwith without any notice to any person to remove and abate all [any] such Nuisance as above mentioned, and the expense attending such removal shall be borne and paid by such Owner, Manager, or other persons guilty of such Nuisance as above mentioned, and may be recovered by them or any of them before any two Justices of the Peace or Police Magistrate, as a Petty Debt.

That it shall and may be lawful for the Waywardens or any Contractor of roads with the sanction of the Waywardens, and upon notice to the proprietor or person in possession of the land through which the road passes, to open pits or quarries in lands next adjoining any Public Highway, where it may be necessary for the purpose of obtaining materials for the repairs of the roads, and to collect surface tones from such lands; and for the purposes aforesaid to dig and take *terras*, or *pozzolana*, or other materials proper for the repair of roads from such pits: *Provided always*, That no such pits or quarries shall be dug or opened in any Town Lot, or in any enclosed Garden or yard attached to a Dwelling-house.

If any person shall injure, damage, obstruct, alter, or in any manner interfere with any Highway or Public Road, or any ditch, gutter, drain, watercourse, tunnel, arch, or bridge, made or kept in order or repair at the Public expense, except with the consent and approval of the Contractor or Waywardens first had and obtained to any alteration, such person shall be deemed guilty of a Petty Misdemeanour, and shall be liable on conviction to a penalty not exceeding Five Pounds, in addition to being liable to make amends to the extent of the injury or damage done, such amends to be payable to the Contractor, if any, and if none then to the Treasurer for the Public use.

That the owner or occupier of lands next adjoining any Public Highway or Public Bye-road repaired under the provisions of this Act shall cut or prune all trees and hedges which shall overhang such Highway or Road, to the obstruction of passengers or the damage of the Road when thereto required by the person or persons entrusted for the time being with the care, maintenance, or repair of such Highway or Road, or by any person acting under his or their authority; and every person who shall neglect to do so within six days after being thereto required as aforesaid shall for each day of such neglect, after such notice given, forfeit the sum of Ten Shillings for every twenty-

four hours that such trees or hedges shall remain uncut or unpruned; and when any Cocoa-nut tree shall overhang any Public Road so that the falling of the Cocoa-nuts therefrom may endanger the safety of passengers, it shall be lawful for the Waywardens, or person or persons having the superintendence of and entrusted with the care, maintenance, or repairs of the Roads of the Parish, or the Road in which such nuisance shall exist, or if in any town for the Townwardens or any two of them, to require the occupier of the premises (by a written notice to that effect) to have the same cut down; and if any owner or occupier of Lands next adjoining a Highway or Public Road, or in any Town wherein any such Cocoa-nut tree shall be growing, shall neglect or refuse for the space of one week, to cut down the same, or cause it to be cut down, it shall be lawful for the Waywardens or other person or persons aforesaid entrusted with the care of such Roads, or the Townwardens in case of a Town, to cut or cause the same to be cut down, and for that purpose to enter on such lands.

That where any Roads not being Public Highways, and not provided by this or any future Act to be kept in repair at the public expense, shall be used by more Estates or persons than one, all such Roads shall be repaired by or at the expense of the Estates or persons using the same, by yearly contribution as hereinafter provided for, and in the ratio following, that is to say:—Proprietors or Lessees of Estates, in the first degree; Owners of one or more Carriages or Carts not being Proprietors or Lessees as aforesaid, in the second degree; and Owners of one or more Horses, Mules, Asses, or horned Cattle in the third degree; and persons owning or leasing Houses or Lands adjoining such Road and using the same Roads, in the fourth degree; and the amount to be paid and contributed by the said several parties for the repair of such Roads shall be settled and fixed in manner hereinafter provided for.

That the Waywardens in their respective Parishes, or any two of them, shall have power, and are hereby required once in each year, on the requisition in writing of any person liable to contribution for the repair of any such Roads as last aforesaid, to assess the several Estates or persons using such Roads and liable under the provisions of this Act to contribute towards the repair thereof for the repair of the said Roads during the current year, commencing from the first day of January next preceding, and terminating on the thirty-first day of December then following; and such Waywardens or any two of them shall, on such requisition in writing, fix by writing under their hands a day for making such Assessment, the day so fixed not being nearer to the day on which such requisition shall have been made than eight clear days; and on such Waywardens being satisfied that notice of such Assessment has been duly given to the several persons liable to contribute to the repair of any such Roads at least four days before the day fixed on for Assessment, the said Waywardens shall proceed to fix a rate upon the parties included in the degrees hereinbefore mentioned for the repair of such Roads for the current year, having regard to the length or distance of Road by them respectively used, and to other circumstances affecting the rate or amount of contribution: *Provided always*, That if any person or persons who shall be liable to contribute to such repair shall not be assessed at such annual Assessment, by reason of want of notice or other informality, it shall be lawful for the Waywardens who made such annual Assessment at any time afterwards during the current year to assess such person or persons on the like proceedings being had or taken as hereinbefore provided for in the case of such annual Assessment, and that all the provisions of this Act respecting Public Bye-roads in this Island shall be in full force and effect in the Island of Bequia.

That the actual expenses incurred in giving such notices as hereinbefore provided for, and otherwise making the annual Assessment, shall be settled and fixed by the Waywardens making the Assessment, and shall be paid by order of the Waywardens to the party or parties incurring such expense out of the Rate or Assessment made for such Road.

That, from and out of the persons liable to contribute to the repair of such Roads as last aforesaid who shall attend such annual Assessment, there

No. 160.
22nd December, 1859.

CL. XVIII.
Public Bye-ways how to be repaired.

CL. XIX.
Assessments for Repairs of Bye-ways.

Proviso for subsequent Assessment.

CL. XX.
Cost of Assessments how to be Paid.

CL. XXI.
Commissioner for Bye-ways how to be Appointed.

450 *For Appointment of Waywardens, and Repairing of Highways.*

No. 160.
22nd December, 1859.

shall be one of their number elected by them at such annual meeting for Assessment (who shall be a Freeholder or Leasholder) as Commissioner for the said Road to whom the Assessments shall be payable; and in default of election it shall be lawful for the Waywardens to appoint such Commissioner, and such person so appointed Commissioner shall give security, by bond to the Waywardens in double the amount of the Assessment conditioned for the due accounting of the moneys which shall come to his hands, and shall receive Ten per cent. on all such moneys for his trouble in disbursing the same.

CL. XXII.
Power of Commissioners [to contract for Repairs.]

That the several persons so elected or appointed Commissioners as aforesaid shall have power to contract with one or more person or persons for the Repairs of such Roads respectively for the current year; such Contract not to exceed the amount of the Assessment; and if no person can be found to contract, then such Road shall be repaired in such other manner as the Commissioner shall be enabled to effect with the means at his disposal.

CL. XXIII.
Payment of Assessments how to be enforced.

That in case any person liable to pay such Assessment as aforesaid shall neglect or refuse to pay the same on demand of the said Commissioner or his Agent constituted in writing to receive the same, then the Commissioner shall proceed to recover the amount of such Assessment which shall be levied and recovered as a penalty or forfeiture, and the mode of proceeding and of enforcing payment of the same shall be in like manner as hereinafter provided as respects offences committed against the provisions of this Act; and the said Assessments when recovered shall be paid to and applied by the said Commissioners for the reparation of the said Bye-roads in like manner as the said Assessment would have been applied had the payment been made in the first instance, and on any legal proceedings had or taken in respect of any unpaid Assessment under the provisions of this Act, production of the Assessment made by the Waywardens and proof of their signature, together with proof of demand of payment from the party assessed and complained against, shall be deemed sufficient proof to entitle the Commissioner to judgment against the party assessed and making default in payment of such Assessments.

CL. XXIV.
Penalty on Waywardens neglecting to serve.

That any Waywarden neglecting or refusing to serve shall be liable to a penalty of Twenty Pounds, and any Waywarden neglecting any or either of the duties herein prescribed shall on conviction be liable to a fine of not less than Five Pounds or more than Twenty Pounds; to be recovered nevertheless only by levy on the goods and chattels of such Waywardens as directed by the Warrant appearing in the Schedule annexed to this Act; provided that no Waywarden shall be compelled to serve for two consecutive years.

CL. XXV.
Informers to have half Penalties.

That one half of the Fines and Penalties imposed by this Act when not otherwise provided how to be appropriated, shall be paid to the person who shall exhibit the Information and Complaint or make the Charge, who shall be a competent Witness, and the other half shall be to Her Majesty, her Heirs and Successors, and be paid to the Treasurer for the public uses of the Colony,

CL. XXVI.
Proceedings on Information.

That any Information, Complaint or Charge may be exhibited by any Waywarden, Contractor or other person against any other person for having committed any offence contrary to the provisions of this Act, before any Police Magistrate of the District, and such Information and Complaint, or Charge, shall be heard and determined by such Magistrate, and the mode of procedure and of enforcing the payment of any fine or penalty and the payment of costs if any shall be according to the provisions of "The Summary Procedure Act, 1853:" *Provided always*, That the mode of recovering penalties and costs as against Waywardens shall be restricted to a levy upon their goods and chattels as hereinbefore mentioned.

Proviso.
As to [recovering] Penalties against Waywardens.

CL. XXVII.
Contracts to Repair Public Roads how to be made.

The Administrative Committee shall from time to time cause Notices to be published in the Newspapers of the Island inviting persons willing to contract for keeping in repair the Highways and Public Roads in this Island for any term not exceeding five years from the date of the completion of their Bond to send in Tenders stating the rate per annum of such Repairs, and the Administrative Committee are hereby empowered, by and with the consent of the Waywardens of the respective Parishes for the

time being, or a majority of them, to enter into Contracts for any period not exceeding five years, from time to time, for the repairs of the Public Roads and Highways in this Island, provided such rate per annum shall not exceed Thirteen Hundred Pounds in the whole, and provided such Contract shall be laid before the Legislature for its information at the first meeting after such Contracts are entered into.

It shall be competent for one person to contract for the repairs of all the Highways, or for any one or more Parish or Parishes, as shall be deemed by the Administrative Committee most beneficial for the Public Service: *Provided always*, That a separate Contract and Bond in respect thereof shall be entered into for each Parish, notwithstanding one and the same person may be the Contractor for more than one Parish.

The person or persons whose Tender or Tenders shall be approved of shall forthwith enter into Bond to the Treasurer and his successors in office, with two sufficient sureties to be approved of by the Administrative Committee for the due performance of his or their Contract, (such Bond to be prepared by the Attorney-General at the cost of the Contractor,) in a penalty of double the amount payable to the Contractor for one year; and upon entering into such Bond the Governor may grant his Warrant to the Treasurer for payment in advance to the Contractor of one quarter of such annual amount, and upon the Certificate of the Waywardens, or a majority of them, that the Roads in their Parish have been kept in sufficient repair for the Quarter, the Governor may grant his Warrant in like manner for future quarterly payments in advance.

If any person whose Tender shall be accepted shall fail to enter into Bond as herein required within one month after acceptance of his Tender, he shall be considered as having forfeited his claim under such Tender, and fresh Tenders shall be called for, for the repairs of the Roads tendered for by the person failing to give Bond.

If any dispute shall arise between any Contractor and the Waywardens of any Parish in respect of the repair or alleged non-repair of the Highway, and in consequence of which the Contractor shall be unable to obtain the Certificate required by this Act before payment is authorized to be made to such Contractor, it shall be lawful for the Governor on the application of either party, to appoint a Commission to consist of three persons to be nominated by the Governor, of whom one shall be a member of the Administrative Committee, if any, to investigate and report upon the facts, and upon such report being submitted to the Governor he shall have full power to determine the matter in dispute so far as the Public and Waywardens are therein interested or concerned, and either thereupon to issue or withhold his Warrant for payment to such Contractor of the amount payable under the Contract; but if such Contractor shall be dissatisfied with the decision of the Governor, he shall in no respect be prejudiced thereby nor by the proceedings on such commission as aforesaid, but he shall be entitled to take such steps by legal proceedings or otherwise as he may be advised for enforcing his rights under his Contract, and for the purpose of ascertaining such rights it shall be competent for any Contractor under this Act, at any time if he shall think himself aggrieved, to bring an action on his Contract against the party or parties with whom such Contract shall have been entered into: *Provided always*, That the party or parties against whom any such action shall be brought shall incur no personal responsibility in any such action, but in case of recovery by the Contractor the Governor is hereby authorized to issue his Warrant for payment of any amount which under such proceedings shall be payable to such Contractor, on a Certificate to that effect from the Secretary of the Court before which such proceedings shall be had.

And whereas it may so happen that no Tenders for the repairs of the Public Roads, or a portion of the said roads, may be sent in, or the Tenders sent in may not be accepted, or that any Contractor may fail in performance of his Contract: *Be it enacted*, That in either of such cases it shall be lawful for the Governor to call upon the Waywardens to repair the Roads in their respective Parishes, or such portion thereof as the Governor shall point out,

No. 160.
22nd December, 1859.

Proviso.
[Limiting] Total Cost.

CL. XXVIII.
One person may Contract for the Repairs of all the Highways.

CL. XXIX.
Bond of Contractor.

CL. XXX.
Contractor not giving Bond to forfeit Tender.

CL. XXXI.
[How disputes with Contractors are to be settled.]

CL. XXXII.
If no Contractor, &c.

Roads to be repaired by Waywardens.

No. 160.
22nd December, 1859.

for such time as the Governor shall direct, and thereupon it shall be lawful for the Governor to issue his Warrant quarterly to the Treasurer for payment in advance to any of such Waywardens of any amount not exceeding the following sums for repairs of Public Roads in their several Parishes, that is to say:—To the Waywardens of Charlotte Parish, Seventy-five Pounds; to the Waywardens of St. George's Parish, One Hundred Pounds; to the Waywardens of St. Andrew's Parish, Forty Pounds; to the Waywardens of St. Patrick's Parish, Thirty Pounds; and to the Waywardens of St. David's Parish, Thirty Pounds; such Warrants to be issued on requisitions in writing addressed to the Governor and signed by the said Waywardens, or a majority of them, stating the estimated amount of repairs of the Roads in each Parish for the then ensuing quarter; and an account of their expenditure shall be laid before the Administrative Committee quarterly, and if the Waywardens shall expend any sum beyond the amounts above specified, the surplus shall be examined, passed, and paid as other Public Accounts: *Provided always*, That if any Waywardens for the time being of any Parish shall, under the aforesaid provision or otherwise, be required to take sole charge of the repairs of the Public Roads in such Parish and to carry out the provisions of this Act relating to the same, it shall be lawful for them to cause such repairs to be done by Contract or otherwise as to them shall seem most beneficial to the Public, so as any Contract to be entered into by them shall be approved by the Governor, and shall not extend beyond the year for which they shall have been appointed, and so as the amount payable under such Contract, and including any salary of their Clerk, if any, not exceeding Ten Pounds per annum, shall not exceed the sum payable quarterly under this Act in respect of the Road for which such Contract shall be entered into: and *Provided always*, That such Waywardens may, with the consent of the Governor, at any time draw in advance, and in any one quarter the allowance payable for two quarters, if such advance shall be made to appear to the Governor for the benefit of the Public Service.

CL. XXXIII.

It shall be lawful for the Governor to remove any Waywarden, and to appoint another in his place, when he shall see cause so to do.

CL. XXXIV.
Special provisions to
be inserted in Con-
tracts.

That in every Contract to be entered into under this Act for the repair of any Public Highway it shall be specially provided that if at any time during the existence of the Contract, the Contractor, his Executor, Administrators, or Sureties, shall fail after the space of one week after notice given by the Waywardens to repair any Road, or part of Road, included in his Contract, which shall be out of repair, it shall be lawful for the Waywardens of the Parish to cause the necessary repairs to be made at the public expense, and that on a certified account thereof in writing made and transmitted to the Governor, and annexed to the copy of notice aforesaid, the same shall be paid by Warrant on the Treasury, and that the amount of such Warrant shall be deducted from the then next quarterly amount payable to the Contractor under his Contract; and in such Contract shall also be contained a provision that if the amount so expended as aforesaid shall exceed the amount payable to the Contractor for the then ensuing quarter, then and so often as the same shall happen the Surety and Sureties of the Contractor shall be liable to make good and pay such deficiency within one month after demand made for the same by the Treasurer; and, failing to pay the same, then that the Bond entered into by such Sureties may be put in suit for recovery thereof.

CL. XXXV.
Commissioners to Act
in case Administrative
Committee should
cease to exist.

And whereas the Act constituting the Administrative Committee is temporary: *Be it therefore enacted*, That in case at any time during the continuance of this Act there shall be no Administrative Committee to perform the duty by this Act assigned to such Committee, then such duties shall be performed by such Three Commissioners as the Governor shall, by writing under his hand, appoint for that purpose; and any act, matter, or thing, authorized to be done by this Act by such Administrative Committee if done by such Commissioners or any two of them, shall be as good and of the same effect as if the same had been done by the said Administrative Committee.

All Carts, Horses, Cattle, Mules, Tools, Implements, and all other things purchased by the Waywardens for the use of the several Public Roads in the several Parishes of this Island, shall be deemed and taken to be the property of the Public of this Colony, and in describing the same and laying the property therein in all or any proceedings, Civil or Criminal relating thereto, or to any offence committed with respect to the same, it shall be sufficient to lay the same as the property of the Public of St. Vincent; and all such Carts, Horses, Cattle, Mules, and other things as shall be provided for and used on the Public Roads, shall be under the control and direction of the Waywardens of the Parish, and it shall be lawful for the Waywardens to lay all information and complaints and charges against all or any persons or person committing any offence in relation to the same; and in case of any offence committed in relation to the Carts, Horses, Mules, Tools, Implements, or other chattels provided or employed by the Waywardens, [and] all Informations, complaints, and charges in respect thereof shall and may be laid, and proceedings had and taken, by the Waywardens of the Parish in which the same shall be used and under whose control and charge the same shall be for the time being.

In citing this Act it shall be sufficient to cite the same as "The Highway Act, 1859."

No. 160.
22nd December, 1859.

CL. XXXVI.
Carts, Horses, Cattle, Mules, and all Tools and Implements used on Roads to be deemed Public Property.

CL. XXXVII.
Short Title of Act.

FORM OF WARRANT.

ST. VINCENT.

To *Constable for the Parish of* or any other
Constable of the Island.

WHEREAS *A. B.* [naming the offender] was this day convicted before me *C. D.* one of the Justices of the Peace for the said Island of St. Vincent and its Dependencies of [here state the offence], for which offence he was adjudged by me to pay the sum of together with for costs. These are therefore to authorize and command you the said Constable to demand of and from the said *A. B.* the sum of so adjudged to be paid by him, together with the further sum of for costs, and upon refusal or neglect of the said *A. B.* to pay such sum so adjudged to be paid by him and costs, you are to levy upon the goods and chattels of the said *A. B.* sufficient to pay such sum and costs together with the costs of levy and sale, and you are to sell the same at Public outcry within ten days after levy, unless the said sum and costs be sooner paid, and of your proceedings herein you are to make a Return to me within twenty days from the date hereof.

Given under my hand and seal this day of

C. D.

No. 161.

An Act to Amend "The Kingstown Townwardens Act, 1840," and to make further Provision for the Election of Townwardens for the Town of Kingstown for the present year, one thousand eight hundred and sixty. [13th January, 1860.]

[Amended by Act passed 15th September 1860.]

WHEREAS by the Act of the Colony made and passed on the eighth day of April in the year of our Lord one thousand eight hundred and forty, to be cited as "The Kingstown Townwardens Act, 1840," it is (amongst other things) enacted and declared that two Justices of the Peace by appointment of the Governor shall, at the time and in manner therein mentioned, hold an Election, at which Six Townwardens for the Town of Kingstown shall be elected as therein mentioned; And whereas, by a certain other Act of the Colony made and passed in the last Session of the Colonial Parliament, to be cited as "The Amended Kingstown Townwardens Act, 1859," it is enacted and declared that so much of the said firstly recited Act as fixes the number of Townwardens for the said Town shall be repealed, and on all future elections of Townwardens, that Three persons only shall be chosen and returned; And whereas, an Election was held pursuant to the provisions of the firstly hereinbefore recited Act on the third day of January, one thousand eight hundred and sixty, for the election of three persons to serve as Townwardens for the said Town for the current year, when four persons were put in nomination, one of whom was chosen and elected by a majority of votes of

Preamble.

No. 161.
13th January, 1860.

CL. I.
Election for Townwardens for Kingstown held on the third day of January, 1860, null and void.

CL. II.
Governor to issue his Warrant to two Justices to hold Election for Townwardens for Kingstown for the present year 1860.

CL. III.
If at such Election or any future election there shall be an equality of votes, Election to be adjourned to following day; and if at close of poll an equality of votes, choice to be determined by the Governor.

CL. IV.
Three Justices of the Peace to be appointed by Governor to exercise the functions of Townwardens till Townwardens elected.

CL. V.
Title of Act.

the Electors, and three of whom had an equal number of votes; by reason whereof the said Justices were unable to determine such election, or to declare the Townwardens elect; for remedy whereof, *Be it enacted* by the Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, as follows, that is to say:—

The Election so held as aforesaid on the said third day of January in the present year one thousand eight hundred and sixty, shall be and the same is hereby declared to be null and void and of none effect.

It shall be lawful for the Governor immediately on the passing of this Act to issue his Warrant to any two Justices of the Peace authorizing and requiring them to hold an Election according to the provisions of the said hereinbefore firstly recited Act on any day within fourteen days after receipt of such Warrant, such day to be by them fixed by public advertisement in the Gazette, for the choice of Three persons to serve the said office of Townwardens for the present year, one thousand eight hundred and sixty: and the persons chosen and elected at such Election shall take such Oath as is prescribed to be taken by the Townwardens under the said firstly recited Act within three days next after their election, and the persons so elected Townwardens, and any two of them, are hereby declared to have and be invested with all and every the same jurisdiction, powers, authorities and privileges, and they and every of them are and is hereby declared to be charged and chargeable with and liable to all and every the same duties, liabilities, penalties, and forfeitures as if they respectively had been elected Townwardens under the provisions of the said hereinbefore recited Acts, and they and every of them are hereby declared to be the Townwardens for the said Town of Kingstown for the present year one thousand eight hundred and sixty, within the meaning of the said recited Acts.

If at such Election as is hereinbefore provided for, or at any future Election of Townwardens, any two or more persons who shall be put in nomination shall, at the time fixed for closing the Poll, have an equal number of votes, it shall be lawful for the Justices conducting the Election to adjourn the same to the following day, and to continue the Poll open till three o'clock in the afternoon, when the same shall be closed, and if on the close of the Poll there shall still be an equal number of votes for any two or more Candidates the Governor shall by writing under his hand declare who among such Candidates having such equal number of votes as aforesaid shall be elected.

And whereas a short time must elapse before any Townwardens can be elected to serve for the present year, during which the inhabitants of the said Town may be seriously inconvenienced; for remedy whereof, *Be it enacted*, That the Governor is hereby authorized immediately on the passing of this Act to appoint by Warrant under his hand and seal any three Justices of the Peace resident in the said town to act as Townwardens until Election had and Townwardens qualified to act shall assume the said office, and the said Justices or any two of them are hereby declared to have and be invested with all and every the authorities and powers of Townwardens under the said firstly recited Act (except the power of levying rates or taxes and appointing Town Officers) during all such time as they shall continue to exercise the duties of the said Office, and shall also have all and every the powers and authorities vested in the Townwardens of the said Town for the time being under all or any other Acts or Act of this Government; and all necessary costs, charges, and expenses by them or any two of them incurred in carrying out the duties devolving on them shall be a lien and charge on the funds and moneys of the said Town, and shall be paid by the Townwardens to be elected under the authority of this Act out of the said funds and moneys, in preference to any other claim, on an account duly rendered to them and certified by the Governor as reasonable and just; *Provided always*, That the Town Officers appointed and acting under the Townwardens for the year one thousand eight hundred and fifty-nine shall remain in office under the said Justices until the appointment of new Offices in their room.

That this Act may be cited as "The Kingstown Townwardens Act, 1860."

No. 162.

An Act to Consolidate the Law regulating the Execution of Deeds by Married Women, and Deeds to operate as Fines and Recoveries.

[23rd April, 1860.]

WHEREAS it is expedient to consolidate the Law regulating the Execution of Deeds by Married Women, and Deeds to operate as Fines and Recoveries ; *Be it enacted* by the Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies as follows :—

The several Acts named in the Schedule A hereto annexed shall be and the same are hereby repealed.

Any Deed or Deeds in due form of Law made and executed by the husband and wife of the Plantations, lands, tenements, hereditaments and other real estate of the wife, or of any real estate whereof the husband is solely and in his own right seized, or to which he may be entitled during the coverture, or whereof the husband is seized in right of the wife, or the husband jointly with the wife, or by any person tenant-in-tail general or special, whether contingent or otherwise, or in reversion or remainder, and acknowledged before any Justice of any of the superior Courts of Common Law in England, Scotland or Ireland, or before any Justice of any such Court, or any Court of similar nature (by whatever style they may be called or known) in any part of the British Dominions, or before the Chief Justice, or in his absence any Assistant Justice of the Supreme Court of Judicature of this Island, or before any Commissioner appointed under a Statute of the Imperial Parliament of the third and fourth years of the reign of His Majesty King William the Fourth, intituled “An Act for the Abolition of Fines and Recoveries and for the substitution of more simple modes “of assurance,” or before any other Office, Commissioner, or Judge or person authorized by Law to take the examination and acknowledgment of Married Women, parties to deeds in Great Britain or Ireland, or any British Colony, and certified by him pursuant to the provisions of the last-mentioned Act, or of any Statute or Law under which such Officer, Commissioner, Judge or other person as aforesaid shall be authorized to take such acknowledgment, or before any British Consul or Vice-Consul in any Foreign Country, shall be as effectual and valid to pass all the estate, right of title, interest and claim of the granting party or parties, and each of them to such deed or deeds, in or to all or any the Plantations, lands, tenements or hereditaments as are by such deed or deeds granted, conveyed, or made over to the person or persons in the said deed or deeds mentioned, to whom or to whose use any estate is or are limited or conveyed according to the several limitations in the said deed or deeds contained, as if the party or parties to the said deed or deeds from whom the interest moves had levied a Fine or Fines with proclamations, or suffered a common Recovery or Recoveries of such Plantation, lands, tenements and other hereditaments in any of Her Majesty's Courts of Records at Westminster, and duly executed deeds leading the uses of such fine or fines, or declaring the use of such recovery or recoveries to the grantee or grantees, their heirs or assigns to whom or whose use such Plantations, lands, tenements or hereditaments are by the deed or deeds so to be executed and acknowledged, as hereby directed, are limited or conveyed : *Provided always*, That the wife who is party to any such deed or deeds be of full age at the time of the execution thereof, and be privately and apart examined by the Judge, or other person having power by this Act to take such acknowledgment, whether she do execute the same freely, voluntarily, and without fear, threats or compulsion of or by her husband used.

The acknowledgment of all deeds so executed and acknowledged as aforesaid shall be indorsed on the deed and signed by the Justice, Commissioner or other Officer having power to take the same as aforesaid, and such acknowledgments may be in the forms respectively contained in Schedule B annexed to this Act.

The Signature of such Justice, Commissioner or other person having power to take acknowledgments under this Act [except of any British

CL. I.
Repeal of Acts.

CL. II.
Deeds executed before Judge, Commissioner, &c., good to pass Estate of wife, Estates tail, &c.

CL. III.
Indorsement on Deeds.

CL. IV.
Proof of Judge's Signature.

No. 162.
23rd April, 1860.

CL. V.
Short Title of Act.

Consul or Vice-Consul, or of any Justice of the Supreme Court of Judicature of this Island] shall be proved in the same manner as the signature of parties executing deeds to pass real Estate is required by Law of this Island to be proved, and the Signature of any British Consul or Vice-Consul shall be proved under the hand and seal of any Notary Public; and all deeds executed, acknowledged and proved under this Act as aforesaid shall and may be registered in this Island as other deeds to pass real Estate are registered, but without further proof being necessary; and such proof as aforesaid of the handwriting of the Justice, Commissioner, Consul, or other Officer having power to take acknowledgments under this Act, shall be sufficient proof of the due execution of such deeds by the parties executing the same.

This Act may be cited in all cases as "The Fines and Recoveries Act 1860."

SCHEDULE A.

Number.	Date of the Publication of Act.	TITLE.
	14th July, 1767.	An Act for the supplying the wants of Fines and Recoveries, and for making any deed or deeds duly executed and acknowledged before any of His Majesty's Justices of the Court of Common Pleas in the Kingdom of England or Ireland, or of this Island, equivalent to a Fine and Recovery or Fines and Recoveries duly and regularly levied and suffered in any of His Majesty's Courts of Record at Westminster.
	24th April, 1772.	An Act supplementary to an Act, intituled "An Act for supplying the want of Fines and Recoveries, and for making any deed or deeds duly executed and acknowledged before any of His Majesty's Justices of the Common Pleas of the Kingdom of England or Ireland, or of this Island, equivalent to a Fine and Recovery or Fines and Recoveries duly levied and suffered in any of His Majesty's Courts of Record in Westminster."
	9th Sept. 1850.	An Act to alter and amend two several Acts, entitled respectively "An Act for the supplying the wants of Fines and Recoveries, and for making any deed or deeds duly executed and acknowledged before any of His Majesty's Justices of the Court of Common Pleas in the Kingdom of England or Ireland, or of this Island, equivalent to a Fine and Recovery or Fines and Recoveries duly and regularly levied and suffered in any of His Majesty's Courts of Record at Westminster;" and an Act supplementary to an Act, entitled "An Act for supplying the wants of Fines and Recoveries, and for making any deed or deeds duly executed and acknowledged before any of His Majesty's Justices of the Court of Common Pleas of the Kingdom of England or Ireland, or of this Island, equivalent to a Fine and Recovery or Fines and Recoveries duly levied and suffered in any of His Majesty's Courts of Record in Westminster, and to extend the provisions of the same."

SCHEDULE B.

This Deed marked A [*or some other letter or mark*] was this day produced before me and acknowledged by *A. B.* and *C. D.*, his wife therein named, to be their several and respective act and deed, previous to which acknowledgment the said *C. D.* was examined by me separately and apart from her husband touching her knowledge of the contents of the said Deed, and her consent thereto, and declared the same to be freely and voluntarily executed by her.

Given under my hand at the day of

This Deed marked A [*or some other letter or mark*] was this day produced before me, and acknowledged by *A. B.* therein named to be his act and deed.

Given under my hand at the day of

No. 163.

An Act to alter an Act, intituled "An Act, to authorize the Erection of a Public Landing Place in the Bay of Kingstown, to appropriate a Sum of Money for that purpose, and to appoint Commissioners to carry out the same." [23rd April, 1860.]

WHEREAS by an Act of this Colony made and passed on the seventh day of August, in the year of our Lord one thousand eight hundred and fifty eight, intituled "An Act to authorize the Erection of a Public Landing Place in the Bay of Kingstown, to appropriate a sum of money for that purpose, and to appoint Commissioners to carry out the same," it is (amongst other things) enacted and provided, That the Honourable John James Hughes, Robert Chapman, Thomas LeGall, James Mayer Grant, Alexander Robertson, and William McKenzie, Esquires, shall be and they are thereby nominated and appointed Commissioners for the purpose of the said recited Act, with such powers and authorities as therein given and contained: *And whereas* it is deemed expedient to repeal so much of the said recited Act as appoints the said several persons therein and hereinbefore named such Commissioners.

That so much of the Eighth Clause, and of all other part and parts of the said Act, as nominates and appoints the persons in the said Act specially named and hereinbefore mentioned to the Commissioners under the said Act, and as are repugnant to this Act, shall be and the same is hereby repealed.

That the Members of the Legislative Council and Assembly for the time being constituting or appointed to be of the Administrative Committee of this Government shall be and they are hereby constituted and appointed Commissioners for the purposes of the said recited Act; and wherever in the said recited Act the Commissioners are named or mentioned or referred to, the same shall from and after the passing of this Act be deemed and taken to mean the Commissioners hereby appointed.

That all and every the duties, powers, and authorities, in and by the said recited Act required to be done, executed, or performed, or vested in the Commissioners appointed in and by the said recited Act shall henceforth be done, executed, and performed by such of the Members of the Legislative Council and House of Assembly, as shall for the time being be of the Administrative Committee of this Government; and all acts, matters, and things so done, executed and performed by them shall be deemed and taken to be done by the Commissioners under the said Act, and shall be good, valid, and effectual to all purposes as if the same had been done, executed, and performed by the Commissioners named in the said recited Act: *Provided always*, That it shall not be necessary for the said Administrative Committee to give such three months' public notice of the selection of the site of the said Landing Place as in the said Act mentioned.

That it shall be lawful for the said Administrative Committee to erect the said Landing Place either by contract as in the said Act mentioned or by private arrangement with one or more person or persons, and by purchase of the materials necessary for such erection or by such other ways as the said Administrative Committee shall think fit: *Provided always*, That the said Administrative Committee shall not be authorized to expend a greater sum, in the whole, in such erection than the sum given and appropriated by the said Act.

In citing the said recited Act it shall be sufficient to cite the same as "The Public Landing Place Act 1858," and in citing the present Act it shall be sufficient to cite the same as the "Amended Public Landing Place Act, 1860;" and the said two Acts shall be read and construed together as one Act.

Preamble.

CL. I.
Repeals so much of the Eighth Clause of the said recited Act as nominates the Commissioners.

CL. II.
Administrative Committee appointed Commissioners to carry out said recited Act.

CL. III.
Powers heretofore vested in Commissioners named in said recited Act to be executed by Members of the Legislature appointed to the Administrative Committee.

Proviso.

CL. IV.
Administrative Committee may erect Landing Place as they think fit.

CL. V.
Short title of Act.

No. 164.

An Act to alter and amend "The Prison Direction Act, 1856."

[23rd April, 1860.]

WHEREAS by "The Prison Direction Act, 1856," a Board of Prison Directors is constituted, and the Public Prison of this Colony, situate in Kingstown, and all other legalized places of confinement in this Colony, are declared to be under the superintendence and management of such Board: *And whereas* by the said Act such Board is vested with certain powers and authorities, and certain duties are by the said Act required to be performed by such Board: *And whereas* it is deemed expedient that all and every the duties, acts, matters, and things, and powers and authorities vested in and required to be performed by such Board should after the passing of this Act be vested in and performed by the Administrative Committee of the said Government so long as there shall be an Administrative Committee: *Be it therefore enacted* by the Governor, Council, and Assembly of the Government of the Island of St. Vincent and its Dependencies as follows, that is to say:—

CL. I.
Duties, powers and authorities heretofore performed and exercised by Board of Prison Direction, to be hereafter performed and exercised by Administrative Committee.

Proviso.
If no Administrative Committee, then same to be performed and exercised by Board of Prison Directors.

CL. II.
Act to be cited as "The Amended Prison Direction Act, 1860."

From, and after the passing of this Act all [and] every the duties and matters and things and powers and authorities which in and by the said recited Act are and is vested in or required or directed to be done, performed or executed by the Board of Prison Directors, shall be, and the same is and are hereby declared to be, vested in, and shall be done, executed and performed by the Administrative Committee of the said Government for the time being, so long as there shall be an Administrative Committee: *Provided always*, That, if at any time there shall be no Administrative Committee, then all and every the duties, acts, matters and things, powers and authorities aforesaid shall be done, executed and performed by such Board of Prison Directors as shall from time to time be constituted and appointed under the authority of the said recited Act.

This Act shall be cited as "The Amended Prison Direction Act, 1860."

No. 165.

An Act to authorize the Appointment of a Colonial Postmaster for the Colony of St. Vincent, and to transfer to the Executive Government of the said Colony the Control over the Post Office therein heretofore exercised by Her Majesty's Postmaster General. [14th June, 1860.]

Preamble

WHEREAS it hath become necessary to provide for the appointment of a Colonial Postmaster, and to transfer to the Executive Government of the Island of St. Vincent and its Dependencies the authorities, power, and control over the Post Office Establishment of the said Island heretofore exercised by Her Majesty's Postmaster General.

Be it therefore enacted by the Governor, Council, and Assembly of the said Island of St. Vincent and its Dependencies as follows, that is to say:—

CL. I.
Appointment of Postmaster.

His Recognizance.
His Sureties.

Immediately on the passing of this Act, and so from time to time as often as a vacancy shall occur in the said office, there shall be appointed by the officer for the time being administering the Government of the said Island of St. Vincent, by Commission under his hand and the Public Seal of the Colony, a fit and proper person to be Colonial Postmaster of the said Government, and such person so appointed, before it shall be competent for him to enter upon the duties of his Office, shall enter into Recognizance to Her Majesty, her Heirs and Successors, himself in Three Hundred Pounds, with two sufficient sureties to be approved of by the Officer administering the Government for the time being, each in the sum of One Hundred and Fifty Pounds, before the Chief Justice of the said Colony, for the due and faithful performance of the duties of the said Office, and accounting for and paying over as provided by this Act all moneys which shall come to his hands, or for which he shall be accountable by virtue of his said office; and such Recognizance shall be entered of record in the Registrar's Office, and shall be a charge on the lands, tenements, and hereditaments of the persons

entering into the same from the date of the entry thereof on record until satisfied, vacated, released, or discharged.

That the Colonial Postmaster shall, by himself or his Deputy or Deputies, have the sole power within this Colony of receiving from Her Majesty's Packet or Post Office Agent, or other person authorized to deliver the same, all letters, newspapers, books, pamphlets, and other papers arriving in this Colony by, from, or through Her Majesty's General Post Office, or arriving in any ship or vessel, other than vessels carrying Her Majesty's Mails; and the said Colonial Postmaster shall, by himself or his Deputy or Deputies, have the sole and exclusive power within this Colony of collecting, receiving, and delivering to Her Majesty's Packet or Post Office Agent, or other person authorized to receive the same, all letters, newspapers, books, pamphlets, and other papers, for transmission from this Colony by or through Her Majesty's said General Post Office to parts out of this Colony; and the said Colonial Postmaster shall also have the exclusive privilege within the said Colony of performing all the incidental services of receiving, collecting, despatching, and delivering all letters arriving within this Colony from any part out of this Government, or transmitted from this Colony to any part out of this Government: *Provided always*, That nothing herein contained shall be construed to render necessary the delivery to the Colonial Postmaster by a Captain of a ship or vessel (other than those carrying Her Majesty's Mails) of any letters or papers which shall arrive addressed to persons in this Colony which before the passing of this Act was not required by the law then in force to be so delivered: *And provided also*, That nothing in this Act contained shall in any way be construed to affect or interfere with the exclusive rights and privileges of Her Majesty's Postmaster-General, or with the provisions of the Imperial Acts of Parliament relating to the Post Office.

That all Letters which in and by the Statutes of the Imperial Parliament are excepted from and out of the exclusive privilege of the Imperial Post Office shall within this Colony be and the same are hereby declared to be excepted from and out of the exclusive privilege of the Colonial Postmaster.

The Colonial Postmaster shall be paid a Salary at the rate of One Hundred and Twenty Pounds per Annum, by equal monthly payments, so long as he shall be present in the Colony and execute the duties of his Office in person; such Salary to be payable [*? from*] the first day of May, one thousand eight hundred and sixty: *Provided always*, That nothing herein contained shall be construed to prevent the said Colonial Postmaster from obtaining leave of absence pursuant to the Colonial Regulations for the time being in force as to other Public Officers; and in every case of such leave of absence, or in case of suspension of the Colonial Postmaster, the Officer administering the Government for the time being is hereby authorized to appoint an Acting Colonial Postmaster, by commission under his hand and the Public Seal of the Colony, who shall before he enters on his duties qualify himself by entering into Recognizance with two sureties, and in other respects, as is by this Act required in the case of the Colonial Postmaster; and every such Acting Colonial Postmaster shall during the time he shall continue in office perform, have, and exercise and enjoy all the duties, powers, privileges, and exemptions by this Act imposed on, or granted to the Colonial Postmaster: *Provided always*, That the Colonial Postmaster shall have no right or claim to any further salary in respect of any duties to be by him performed under any Act to be hereafter passed for establishing an Inland Post; *Provided*, That the Postmaster shall, in addition to the salary hereinbefore provided for, be entitled to receive from the Colonial Government such Stationery and books as may be necessary for the due performance of the duties of his Office.

There shall be one General Post Office provided by the Executive Government in the Town of Kingstown, where all letters, newspapers, books, pamphlets, and other papers, which shall arrive in this Colony from any place out of the same (unless excepted or exempted by any Act of the Imperial Parliament, or by this Act), shall be brought and received, and whence the same shall be delivered to the persons to whom addressed; and

No. 165.
14th June, 1860.

CL. II.
Postmaster solely authorized to receive and deliver all Letters, &c.

Proviso.
As to Letters arriving by Ship.

Proviso.
As to Imperial Acts of Parliament.

CL. III.
Letters excepted under Acts of Imperial Parliament.

CL. IV.
Salary of Postmaster.

Leave of absence.

Governor may appoint Acting Postmaster.

Proviso.
No claim to additional salary.

Proviso.
As to Stationery, &c.

CL. V.
General Post Office in Kingstown.

No. 165.
14th June, 1860.

Hours of attendance.

CL. VI.
No Person to act
under Postmaster until
qualified, &c.

Oath.

CL. VII.
Postmaster to have
powers of Deputy
Postmaster-General,
acting when Act
passed.

But subject to Rules,
&c.

CL. VIII.
Postmaster to keep
Accounts.

For Imperial Govern-
ment.

For Local Govern-
ment.

Local Collection, how
to be paid.

Moneys collected for
Postmaster-General,
how to be paid.

where all letters, newspapers, books, pamphlets, and other papers (except such as are excepted or exempted as aforesaid) shall be posted and received for transmission to any place out of this Colony, and whence the same shall be despatched to all places out of this Colony; and such General Post Office shall be in such part of the Government Buildings in the said Town of Kingstown as the Governor, with the consent of the Executive Council, shall from time to time fix and direct; and the hours of attendance at such Post Office shall be governed and regulated by and according to the rules to be made as hereinafter provided, for the governance of the Post Office Establishment of this Colony.

It shall not be lawful for any person to act as Colonial Postmaster, or as his Deputy, Agent, or Servant, in the receiving, sorting, marking, or delivering of letters or papers of any description, unless and until such person shall, with the approval of the Officer administering the Government, have qualified himself by taking and subscribing the Oath by this Act prescribed and as contained in the Schedule hereto annexed, before the Police Magistrate of the Kingstown District, if any; and if there shall be no such Magistrate, then before a Justice of the Peace; and such Magistrate, or Justice of the Peace, as the case may be, on application to him to that effect, and on being satisfied that the person offering to be sworn has been approved as aforesaid, shall administer such Oath accordingly; and it shall not be lawful for the Colonial Postmaster to admit, or suffer any person, other than such persons so approved and qualified as aforesaid, to be present in the Post Office at the time of the receipt, or sorting, or delivery or despatching of any Mail.

The Colonial Postmaster to be appointed under the provisions of this Act shall, within the limits of this Colony and subject also to the provisions of this Act and to the rules to be established under the authority of the same, and so long as he shall be in the execution of his Office, have and exercise, and be invested with and enjoy all and every such and the same powers and authorities, privileges and exemptions, and be liable to the same duties, liabilities, and responsibilities as the Deputy Postmaster-General appointed by Her Majesty's Postmaster-General for this Colony, and acting at the time of the passing of this Act, had, or was invested with, or was entitled to, or enjoyed, or was liable to, whether by Statute or otherwise.

The Colonial Postmaster shall keep Accounts of all letters and other papers received and despatched by him by virtue of his Office, with the particulars of the postage thereof, in like manner and form as the Deputy Postmaster-General kept such accounts at the time of the passing of this Act, or in such other form as Her Majesty's Postmaster-General shall hereafter and from time to time direct or require; and shall keep a separate account of all moneys which, under the regulations in that behalf for the time being in force, and his instructions in reference thereto, shall be payable to Her Majesty's Imperial Government, or to the said Postmaster-General in respect of the postage of letters or papers received at or transmitted from this Colony, and a separate account of all moneys which shall be payable to the Local Government in respect thereof; and the accounts so to be kept in relation to the moneys payable to Her Majesty's Government or Her Majesty's Postmaster-General shall be kept and governed in all respects according to the instructions to be issued from time to time from Her Majesty's Postmaster-General in relation thereto; and the accounts so to be kept in reference to the moneys payable to the Local Government shall be kept and governed in all respects according to the instructions to be given by the Officer administering this Government; and duplicate copies of such accounts respectively shall be forwarded monthly, on the first Monday in every month, to the Officer administering the Government; and on the same being audited and approved the amount payable in respect thereof to the Local Government shall be paid by the Colonial Postmaster into the Public Treasury within twenty-four hours after notification to him that the account is audited; and the amount payable to Her Majesty's Government, or to Her Majesty's Postmaster-General in respect of Postage shall be paid and payable in such manner and time as Her Majesty's Postmaster-General

shall from time to time appoint; and no warrant shall be issued for the payment of the salary to the said Colonial Postmaster until the Treasurer's receipt shall be lodged by him in the Office of the Colonial Secretary for the monthly sum payable as aforesaid.

The Colonial Postmaster, his Deputies and Servants, and the Post Office Establishment of this Colony shall be guided by and subject to such Rules and Regulations as shall be made in that behalf by the Officer for the time being administering the Government, with the consent of the Executive Council; under the authority of this Act: and a copy of all such Rules and Regulations shall be furnished to the Colonial Postmaster; and such of the same as relate to the Public shall be at all times exhibited openly at the General Post Office for the information of the Public.

No Letter, Newspaper, Book, Packet, Magazine, Review, Pamphlet, Parcel, or other Paper, coming from or sent to the United Kingdom shall be liable to any other rate of Postage than that charged by the Imperial Government; and the Colonial Postmaster shall collect and receive as well all Postage payable in this Colony to her Majesty for the Imperial Government, as for the Local Government.

The Postage on all Letters posted in this Colony for transmission to any place out of the same shall be paid by the sender on delivering the same at the Post Office in money, until Stamps shall be provided under the provisions of this Act: *Provided always*, That Letters written on stamped paper, or enclosed in stamped covers, or having a Stamp affixed thereto, (the Stamp, in every such case, being of the value or amount in this Act expressed, and specially provided for the purpose under the authority of this Act,) shall, if within the limitation of weight fixed by or under the authority of any Statute of the Imperial Parliament in that behalf, and if the Stamp have not been used before, pass by the Post free, subject only, as to such Letters as shall not be sent to the United Kingdom, to such Postage as the same shall or may be liable to on arrival at their places of destination, under the Laws of such places respectively.

And whereas, under arrangements entered into by Her Majesty's Postmaster-General, one rate, or the sum of One Penny is to be paid to and received by the Local Government on every single Letter coming from the United Kingdom, and received in this Colony from or through Her Majesty's General Post Office; and a like rate, or One Penny, on every single Letter collected in and sent from this Colony to the United Kingdom through the said General Post Office; and a double rate on every Double Letter, and so in proportion according to the rate or scale governing the Postage on Letters sent by the General Post Office from the United Kingdom to these Colonies, or from these Colonies to the United Kingdom; *Be it therefore enacted*, That the Colonial Postmaster shall keep an account, and shall collect and receive on behalf of the Local Government, such Rates and Postage as aforesaid as shall be payable for all such Letters as aforesaid.

On every Letter arriving in this Colony by Her Majesty's General Post from any place beyond the limits of the Colony, except from or passing through the United Kingdom; and on every Letter posted in this Colony for transmission to any place beyond the limits of the same, except to or through the United Kingdom; there shall be charged, and paid to Her Majesty for the use of this Colony Postage by weight according to the following Scale, that is to say:—

Not exceeding Half-an-ounce,—One rate of One Penny.

Exceeding Half-an-ounce but not exceeding One Ounce,—Two rates, or Two Pence.

Exceeding One Ounce, but not exceeding Two Ounces,—Four rates, or Four Pence.

Exceeding two Ounces, but not exceeding Three Ounces,—Six rates, or Sixpence:

And so on in progression an additional two rates being charged for every additional Ounce or fraction of an Ounce.

The Colonial Postmaster shall be authorized to receive from Vessels (not being Government Vessels, or Post Office Packets) Letters; and shall

No. 165.
14th June, 1860.

Colonial Post Office
Regulations.

CL. IX.
Colonial Post Office
Regulations.

CL. X.
Letters to and from
United Kingdom only
to bear Imperial Post-
age.

CL. XI.
Postage pre-payable
in money until Stamps
provided.

Proviso.
Stamps may be used
when provided.

CL. XII.
Postmaster to collect
One Penny for Local
Government on all
single Letters to and
from the United King-
dom, and so in propor-
tion, &c.

CL. XIII.
Scale of Postage to
Colony on all Foreign
Letters not passing
through the United
Kingdom.

CL. XIV.
Masters of Ships to
receive One Penny on
each Letter.

No. 165.
14th June, 1860.

Postmaster to charge
Twopence on same,
and so in proportion.

CL. XV.
Fee payable to Post-
master on Postage of
late Letters.

CL. XVI.
Registration of Let-
ters.

CL. XVII.
Governor to provide
Postage Dies and
Stamps.

CL. XVIII.
Title of Act.

allow and pay to Masters of such Vessels a sum of One Penny for each Letter brought to or delivered at the General Post Office from any place beyond the limits of the Colony; and the sums so paid by them shall be charged in his account against the Government of this Colony; and on every Letter brought to this Island by any such Vessel there shall be charged and collected a rate of Postage of Two Pence on each Letter not exceeding Half-an-ounce in weight; and on every Letter, exceeding Half-an-ounce, a progressive rate according to the Scale of Rates hereinbefore set forth.

It shall be lawful for the Colonial Postmaster to demand and receive the sum of Two Pence, which is hereby declared payable for the Public use of this Colony, on every Letter brought to and received at the General Post Office for transmission to any place out of the limits of this Colony after the time fixed for closing the Mail; and if any Letter shall be posted after such time as aforesaid, without payment of such sum of Two Pence, it shall be the duty of the Colonial Postmaster to refuse to forward the same by such Mail.

It shall be lawful for the Colonial Postmaster to register in this Colony Letters and Book-Packets posted for transmission to any place out of the limits of this Colony, in like manner and form as the same were registered by the Deputy Postmaster-General before the passing of this Act; and to demand and receive in respect of every such Letter or Book-Packet so registered in this Colony the sum of One Shilling for the Public uses of this Colony; and all Registered Letters and Book-Packets, and the Registration thereof, shall be subject to all such and the same Rules and Regulations as were in force respecting the same at the time of the passing of this Act, or as shall from time to time be hereafter enacted or provided in respect thereof by any Statute of the Imperial Parliament, or by Her Majesty's Postmaster-General.

It shall be lawful for the Governor to cause to be provided, at the Public expense, proper and sufficient Postage Stamps and Dies, or other Implements for expressing and denoting the Rates or Duties of Postage for this Colony; and such Dies, Stamps, and Implements shall be kept in such custody, and such Stamps shall be made or impressed from such Dies or other Implements, and sold in such manner as the Governor, with the consent of the Executive Council, shall from time to time direct by writing under his hand.

In citing this Act, it shall be sufficient to cite the same as "The St. Vincent Post Office Act, 1860."

SCHEDULE.

I do solemnly and sincerely declare that I will not wittingly or willingly open or delay, or cause, or suffer to be opened or delayed, contrary to my duty, any Letter, or anything sent by the Post which shall come into my hands or custody by reason of my employment relating to the Post Office, except by the consent of the Person or Persons to whom the same shall be directed, or by an express Warrant in writing, under the hand of the Governor, for that purpose; or except in such cases where the party or parties to whom such Letter, or anything sent by the Post, shall be directed, and who is or are chargeable with the payment of the Postage thereof, shall refuse or neglect to pay the same; and except such Letters or anything sent by the Post as shall be returned for want of true directions, or when the party or parties to whom the same shall be directed cannot be found, and that I will not in any way embezzle any such Letter, or anything sent by the Post as aforesaid, or any money which shall come to my hands by virtue of my said employment as or for Postage or otherwise.

Sworn before me this

day of

No. 166.

An Act to consolidate the Laws imposing Duties on Imported Goods.

[30th July, 1860.]

WHEREAS it is deemed expedient to consolidate the Laws imposing Duties on Imported Goods: *Be it enacted* by the Officer administering the Government of the Island of St. Vincent and its Dependencies, and the Council and Assembly of the same:—

That the Acts mentioned in the Schedule hereunto annexed, and all other Acts and parts of Acts inconsistent with this Act, shall be and the same are hereby repealed.

From and after the passing of this Act, there shall be raised, levied, collected, and paid to Her Majesty, her Heirs and Successors, for the use and benefit of the Government of these Islands, the Duties undermentioned upon the several articles therein enumerated upon the Importation of the same into this Government, provided that the several articles of Gunpowder, Ammunition, Arms, Utensils of War, Coffee, Sugar not being refined in the United Kingdom, Molasses, Rum, Base or Counterfeit Coin, mentioned and contained in the Table of Prohibitions and Restrictions in the Act of the Imperial Parliament of the 8th and 9th Victoria, Chap. 93, shall not be imported into this Island except under the Rules, Regulations, Prohibitions, and Restrictions in the said Act of the Imperial Parliament mentioned and contained.

Preamble.

CL. I.
[Repeals former Acts]CL. II.
Taxable amount of
Duties leviable on
Imports.

	s.	d.
Ale, Beer, Cider, Porter, or Perry, in wood, per tun	25	0
Ditto bottled, for every dozen quart bottles thereof	0	4
Asses, per head	4	0
Beef, Pork, salted or cured, per barrel not exceeding 200 lbs. net	8	4
Bread or Biscuit, per cwt	1	0
Bricks, per thousand	4	0
Butter, per cwt.	6	0
Candles, common tallow, per cwt.	1	6
Candles, wax and sperm, per cwt.	10	0
Candles, stearine or other composition, per cwt.	5	0
Cattle (Neat), per head	10	0
Cocoa, per cwt.	2	0
Cheese, per cwt.	4	4
Coffee, per cwt.	2	0
Cordage, per cwt.	1	6
Canvas, per bolt, not exceeding forty-three yards	1	0
Currants and Raisins, or other dried fruits, per cwt.	2	0
Flour (wheat), per barrel of one hundred and ninety-six pounds net	4	0
Fish, dried or salted, per cwt.	1	0
Fish, pickled, per barrel of 200 lbs.	1	0
Herrings, Salmon, and other fish smoked, per cwt.	1	0
Hams, Bacon, Dried Beef, Dried or Pickled Tongues, per cwt.	4	2
Horses, Mares, Geldings, per head, not exceeding twelve hands high	15	0
All other Horses	20	0
Lard, per cwt.	2	0
Lead, sheet or pipe, per cwt.	2	0
Lime, building, per hogshead	0	6
Meal or other Flour, not wheat, per barrel	1	3
Mules, per head	10	0
Naval Stores, Tar, Pitch, Crude Turpentine, and Resin, per barrel	1	0
Oil, common fish, per gallon	0	1
All other kinds of Oil, except common fish	0	3
Powder (Gun), per cwt.	3	0
Peas, Beans, and all descriptions of Grain, per bushel, save and except Rice	0	1
Pepper, black and white, per cwt.	4	0
Rice, per cwt.	1	0
Sheep, Goats, and Swine, per head	1	0
Soap, common or yellow, per cwt.	1	0
All other kinds of Soap	2	0
On all Spirits and Cordials, per gallon	2	0
Sugar, unrefined, the produce of any British Possession, per cwt.	5	0

No. 166.
30th July, 1860.

Sugar, refined, per cwt., manufactured from Sugars or Molassess, per cwt.	s. d.
	10 0
Shooks, red or white oak, per bundle not exceeding thirty-five staves	0 3
Slates and Tiles, of all kinds, per one thousand pieces	4 2
Sago, Tapioca, and Oatmeal, per cwt.	1 0
Snuff, and other manufactured Tobacco, per cwt.	25 0
Tobacco, unmanufactured, per cwt.	6 0
Tea, per lb.	0 3
Tallow, Mill and Cart Grease, per cwt.	1 0
Turpentine, spirits of, per gallon	0 2
Vinegar, per barrel of 30 gallons	2 0
Wines, in wood and bottled, for every one hundred pounds' value, —Twelve per cent.	
Wood, for every one thousand feet of Pitch Pine Lumber, per superficial measure of one inch thick	7 0
White and Spruce Pine or other Lumber, for every one thousand feet superficial measure, one inch thick	4 0
Shingles, cedar or pine, per one thousand pieces	1 0
Shingles, Cypress, Wallaba, and all other kinds as above enumerated	2 0
Wood Hoops, for every one thousand pieces	1 0
Staves and Heading of all kinds, for every one thousand pieces	2 0
Mahogany	20 0
And all other kinds of Wood not enumerated above, for every one thousand feet superficial measure, one inch thick	15 0
Cedar or other Posts, or Timber, for every one hundred pieces	5 0
All other description of Goods, Wares, or Merchandise of all and every kind not above enumerated,—Five per Centum.	

Except the following, which shall not be liable to any Duty under this Act, viz. :—

Coin, Bullion, Diamonds, Fresh Fruits and Vegetables, Ices, Printed Books and Papers, Manures, Military Clothing and Accoutrements imported under the authority of Her Majesty's Treasury, and for the use of Her Majesty's Troops; all Building Materials and Supplies for the use of Her Majesty's Army and Navy; all Arms and Accoutrements imported for the use of the Militia of this Island; and all machinery imported to be erected in this Island driven by water, wind, steam, cattle, or horse-power: *Provided always*, That Cattle, Goods, and articles of the description liable to duty under this Act entered as imported for the use of Her Majesty's Troops shall be exempted from the duty laid by this Act, if the party claiming such exemption shall give Bond to the Treasurer at the time of entry of such Cattle or Goods conditioned for the payment of the amount of duty payable on such Cattle or Goods under the provisions of this Act, in default of producing and lodging with the said Treasurer within three months after importation, a Certificate from the Commissariat or other proper Officer that the same Cattle or Goods have been used by the Troops, or received by the Commissariat or other Official and proper Department for the same. And if such Certificate be not duly lodged with the Treasurer he shall, at the expiration of such three months, forthwith require and call on the party entering into such bond for payment thereof, and in default of payment shall put the same in suit: *And provided also*, That it shall be lawful for the Treasurer, on being sufficiently satisfied by the Declaration in writing of the Importer that any of the Cattle so imported for the use of the Troops shall have died from disease or other natural cause, and been totally unprofitable to the Importer, and not used for the use of the Troops or otherwise, to remit the Duty which would otherwise be payable thereon.

The said Duties shall be collected and received by the Treasurer of the said Government for the time being.

The Master of every ship or vessel arriving in this Government, whether laden or in ballast, shall come directly and before bulk be broken to the Office of the Treasurer, and there make to the Treasurer a true and accurate Duplicate in writing of the Return required to be made at the Custom House for the Port of Kingstown; and the said Master shall further answer, upon Oath, all such questions concerning the said ship or vessel, the cargo, the crew, and the voyage, as shall be demanded of him by the Treasurer; and

CL. III.
Import Duties to be collected by the Treasurer.

CL. IV.
Master of Ship or Vessel arriving at St. Vincent, to make Return to Treasurer, of Cargo on board.

if any goods be unladen from any ship or vessel before such Duplicate Report be made to the Treasurer, and Warrant or Permit by him granted for landing the said goods; or if the Master fail to make such Report as aforesaid, or make an untrue Report, or do not truly answer the questions demanded of him; or if any goods on board such ship or vessel be not reported, or shall be landed from the said ship or vessel contrary to the provisions of this Act, the Master of such ship or vessel shall forfeit the sum of Fifty Pounds for each and every such offence; and any person other than the said Master who shall unlade from any ship or vessel any goods whatsoever contrary to the provisions of this Act, or shall assist in unloading or landing the same, shall be liable to and forfeit and pay the sum of Fifty Pounds for every offence.

Every Master of every ship or vessel as aforesaid, at the time that he so makes such entry and duplicate Return to the Treasurer as aforesaid, shall also give in to the said Treasurer on oath, such oath to be taken before the Treasurer who is hereby authorized and required to administer the same, a list of all Goods and Live Stock on board such ship or vessel, as far as can be known to him, not forming a part of the general cargo, or included in the said entry or duplicate Return, whether such goods or live stock shall be the property, goods, or chattels of the said Master or any other person, and whether denominated as stores or otherwise, specifying in such list the particulars of such goods and the packages thereof, and the name or names of the respective owners thereof, and the value of such as shall belong to himself; all which said goods and live stock shall be deemed goods imported into this Government within the meaning of this Act, and liable to and charged with the duty by this Act imposed, and subject to the same provisions as all other imported goods; and every Master or other owner of such goods and live stock shall be deemed to be and considered the Importer of such goods within the meaning of this Act, and shall be liable to and charged with all the duties, provisions, and penalties by this Act made and laid or imposed: *And provided always*, That nothing in this Act contained shall be construed to extend to lay a duty on, or otherwise affect ships' Stores actually belonging to and used on board any ship or vessel arriving in this Government, and any person landing any such ship's Stores so exempted from duty shall be liable to a penalty of Twenty Pounds for every offence; and all such Stores, if landed, shall be forfeited, and liable to be dealt with as all other goods forfeited under the provisions of this Act.

No Goods, or Live Stock of any description, shall be water-borne or unladen from any ship or vessel, or landed from any ship or vessel, until such duplicate Report shall have been made as aforesaid and Warrant or Permit granted by the Treasurer for landing the said goods or live stock, subject nevertheless to the provisions hereinafter contained in regard to live stock and all goods and live stock water-borne, unladen, or landed contrary to the provisions of this Act shall be and the same are hereby declared to be forfeited, and shall be seized and sold and the proceeds disposed of in manner hereinafter provided for: *Provided always*, That live stock may be landed at any time before six in the evening, after Report made by the Master before entering, on notice to the Treasurer by the Importer, and Permit granted for landing the same; and in case of the arrival of any vessel with live stock on board on Saturday or any day just before a public Holiday, and after the hours for closing the Treasurer's Office, such live stock may be landed at any time before six o'clock in the evening and not after, on the Importer making a report to any Landing Officer of the quantity of stock on board intended to be landed, and the time and place of landing the same.

Every Importer of goods and live stock into this Government, on entering such goods, shall deliver to the Treasurer, a Bill of Entry thereof in duplicate, fairly written in words at length, containing the name of the Importer and of the ship or vessel, and of the Master, and of the particulars of the quality, quantity, and value of the goods and also of the packages containing the same, specifying the marks and numbers and value of each package, and the number and description of live stock; and every such

No. 166.
30th July, 1860.

CL. V.
Master of Ship, at time of making Return to Treasurer of Cargo, to give in to Treasurer a List of all Goods on board not forming a part of General Cargo.

CL. VI.
No Goods, except Live Stock, to be landed, until Return made and Permit granted by the Treasurer.

CL. VII.
Importer of Goods to deliver to Treasurer, on entering same, Bill of entry containing particulars and value of same, and description of Packages.

No. 166.
30th July, 1860.

CL. VIII.
When vessel is detained by neglect of Importer to obtain from Treasurer a necessary Permit, the Goods shall be landed by Master, upon Permit applied for and granted, warehoused, and after certain specified time, sold.

CL. IX.
Importer or Master of Ship, if unable, for want of sufficient information, to make Entry by Bill of Sight, on which Goods to be landed and Entry perfected in fifteen days thereafter.

CL. X.
Value of Goods imported and liable to Duty under this Act, to be ascertained by Oath of Importer or his Agent.
Form of Oath.

Importer shall, at the same time, pay down all Duties due upon such goods, (except in the case of warehousing,) and the Treasurer shall immediately on payment of such Duties grant his Permit, which he is hereby authorized and directed to grant, for the landing of the said goods and live stock: *Provided always*, That such Permit shall only authorize the landing of goods at the Ports of Kingstown and Calliaqua, under the superintendence of an Officer, such Officer having full permission and authority to permit transhipment of goods from such ship or vessel on board of the droghers or other vessels belonging to this Government.

When it shall be made to appear to the satisfaction of the Treasurer by the oath of the Master of the vessel in which any goods shall be imported, that detention is occasioned to the vessel by the neglect of any Importer to obtain the necessary Permit for landing the said goods, it shall be lawful for the Treasurer to grant a Permit to the said Master to land the said goods, which shall be forthwith warehoused, and unless perfect Entry of such goods so warehoused be made by the Importer within ninety days in case of goods not perishable, and in the case of perishable goods within thirty days after such landing and warehousing, the said goods shall be sold and disposed of, and the proceeds applied in the manner hereinafter directed in respect of goods warehoused and directed to be sold for want of perfect Entry being made by the Importer.

If the Importer of any goods, or the Master of any Vessel having such goods on board, shall make oath before the Treasurer, which oath the Treasurer is hereby authorized and required to administer, that he cannot, for want of full information, make perfect Entry thereof, it shall be lawful for the Treasurer to receive an Entry by Bill of Sight for the packages or parcels of such goods, by the best description which can be given, and thereupon to grant a Permit for landing the same, in order that the same may be landed and received into some place of deposit to the satisfaction and under the control of the said Treasurer, at the expense of the Importer, and which may be seen and examined by such Importer in the presence of the Treasurer, and within fifteen days after the said goods shall have been so landed, the Importer shall make a perfect Entry thereof, and pay down all Duties due thereon; and in default of such Entry within such fifteen days, such goods shall be taken to the warehouse appointed by the Treasurer; and if the Importer shall not, within one month after such landing, make perfect Entry of such goods, and pay the Duties due thereon, together with all charges of removal and warehouse rent, such goods shall be sold by public auction, in twenty days next after public notice in the Gazette, by direction in writing, of the Treasurer, given to some known Auctioneer, and the proceeds thereof shall be applied in payment of all such duties, expenses, and warehouse rent and the charges of the sale; and the overplus, if any, shall be paid to the Importers of the goods, by the Treasurer.

In cases where Duty is payable by this Act on the importation into this Government of any goods the value shall be ascertained by the oath of the Importer or his known Agent, such oath to be taken before the Treasurer, which oath the Treasurer is hereby authorized to administer in the form following:

I, A. B., do hereby swear that the Goods mentioned in the Entry made by me, and hereto annexed, and contained in the packages [here specify the several packages, and describe the several marks and numbers as the case may be], are of the value set opposite to the same respectively in the Bill of Entry thereof, making a total value of £ _____; So help me God: *Provided*, That if upon Entry of any such goods the Treasurer shall be of opinion that such goods are not valued according to the true price or value thereof, and according to the true intent and meaning of this Act, then and in such case the Importer or his known Agent shall be required to make further oath before the Treasurer what is the Invoice price of such goods, and that he verily believes such Invoice price is the current value of the goods at the place whence the said goods were exported; and such Invoice price, with the addition of Ten Pounds *per Centum* thereon, if such Invoice price shall exceed the value first sworn, shall be deemed the value of

the goods in lieu of the value so first sworn to by the Importer or his known Agent; and upon such Invoice value and Ten *per Cent.* thereon the Duties imposed by this Act shall be charged and paid: *Provided also*, That if the Treasurer shall be of opinion that such goods have been invoiced below the real and true value thereof at the place whence the same were exported; or if the Invoice price be not known, the goods shall, in such case, be examined by two competent persons to be nominated and appointed by the Officer Administering this Government, by Warrant under his hand; and such persons shall examine such goods, and shall have power and authority to open or cause to be opened the packages containing such goods for the purpose of such examination; and shall declare, on oath before the Treasurer, the true and real value of such goods in this Government; and the value so declared on the oaths of such persons shall be deemed to be the true and real value of such goods, and upon which the Duties imposed by this Act shall be charged and paid.

If the Importer of any Goods shall neglect or refuse to pay the Duties hereby imposed thereon at the time or respective times hereby appointed for payment thereof, it shall be lawful for the Treasurer, and the Treasurer is hereby required to take and secure the same, with the Casks or other packages in which the same are contained, and to cause such Goods to be publicly sold by any known Auctioneer within the space of thirty days at the most after such neglect or refusal, at such time or place as such Treasurer shall, by fifteen days' public notice in the Gazette, appoint for that purpose; which Goods shall be sold to the best Bidder, and the money arising from the sale thereof shall be applied, in the first instance, in payment of the Duties together with the charges that shall have been occasioned by the said warehousing and sale, and to any freight and charges that may be due thereon; and the overplus, if any, shall be paid to the Importer or proprietor, or any other person authorized to receive the same.

Every Importer of any Goods shall, within fifteen days after the arrival of the Ship or Vessel in which the said goods are imported, make due entry of such goods; and in default of such entering the goods as aforesaid it shall be lawful for the Treasurer to cause such goods to be conveyed to any Warehouse provided under the authority of this Act; and if the Duties due upon such goods be not paid within three months after such fifteen days shall have expired, together with all charges of removal and warehouse rent, the same shall be sold in the manner hereinbefore mentioned, and the produce thereof shall be applied: first to the payment of freight and charges, next to the payment of Duties, and the overplus, if any, shall be paid to the proprietor, or importer of the goods; and that the Treasurer's receipt for goods so landed under the authority of the Treasurer shall be a discharge to the Captain of the Vessel for the goods so landed.

No Entry or Warrant for the landing of any goods, or for the taking of any goods out of the warehouse, shall be deemed valid unless the particulars of goods and packages purporting to be the same, in the duplicate Report hereby required to be made, or in the Certificate or other document where any is required, by which the importation or entry of such goods is authorized, nor unless the goods shall have been properly described in such entry by the denomination, and with the characters and circumstances according to which such goods were charged with Duty when imported; and any goods taken or delivered out of any Ship or Vessel, or out of any warehouse, by virtue of any Entry or Warrant not corresponding or agreeing in all respects, or not properly describing the same, shall be deemed to be goods landed or taken without due entry, and shall be forfeited.

It shall be lawful for the Treasurer by notice in writing under his hand to appoint, from time to time, such Colonial Warehouses in Kingstown as shall be approved by such Treasurer for the warehousing and receiving of goods therein for the purposes of this Act; and also, by like notice, to revoke or alter any such appointment: *Provided*, That every such notice shall be transmitted to the Officer Administering the Government for the time being, and shall be published in such manner as he shall direct; and that the rent or hire of such warehouses shall be paid by the Treasurer in

No. 166.
30th July, 1860.

Proviso.
If goods undervalued further Oath to be taken by Importer or his Agent, of Invoice price of Goods.

CL. XI.
Importer neglecting or refusing to pay Duties on Goods, Treasurer authorized to cause the same to be sold.

CL. XII.
Importer of Goods to make Entry thereof, and land same within Fifteen Days after arrival of Ship, and in failure thereof, Treasurer to cause same to be Warehoused.

CL. XIII.
No Entry of Goods or Warrant for landing or removal of same to be deemed valid, unless particulars of Goods and Packages therein described shall correspond with Report made to Treasurer, on importation thereof.

CL. XIV.
Treasurer to appoint Warehouses.

No. 166.
30th July, 1860.

CL. XV.
Importer may Warehouse Goods without payment of Duty.

CL. XVI.
Goods Warehoused to be subjected to Rules and Regulations, appointed by Treasurer.

CL. XVII.
Goods Warehoused, the Importer to give Bond with Sureties.

CL. XVIII.
Goods entered to be Warehoused, and not duly Warehoused, or having been cleared for Exportation, and not duly exported, to be forfeited. Goods exported, Bond of Exporter not to be cancelled, without satisfactory proof is given to Treasurer that Goods have been landed beyond this Government.

CL. XIX.
Clerk and Accountant to be appointed and paid by the Treasurer.

CL. XX.
Treasurer to take a particular account of

the first instance out of his salary allowed by this Act, and the said Treasurer shall have power to detain the goods so warehoused until all warehouse charges on the same be paid.

It shall be lawful for the Importer of any goods to warehouse the same in the aforesaid warehouses without payment of any Duty on the first entry thereof, subject nevertheless to the Rules, regulations and conditions hereinafter contained.

All goods so warehoused shall be stowed in such parts or divisions of the warehouse, and in such manner as the Treasurer shall direct; and that such warehouse shall be locked and secured in such manner, and shall be opened and visited only at such times and under such rules and regulations as the Treasurer shall direct, and that all such goods shall, after being landed upon Importation, be carried to the warehouse, or shall, after being taken out of the warehouse for Exportation, be carried to be shipped; and that no goods shall be removed from the warehouse for exportation or consumption except under the superintendence of the Treasurer in person, or otherwise by some of his Officers, who shall certify to the Treasurer that such goods have been duly exported in case of Entry for Exportation; or duly delivered for consumption in case of Entry for Consumption, without which Certificate and the observance of the other formalities by this Act required the Bond granted on the warehousing of such goods shall not be cancelled.

After the Entry of any Goods to be warehoused the Importer of such goods, instead of paying the duty or duties due thereon, shall give Bond, with two sufficient Securities to be approved of by the Treasurer in treble the amount of duties payable on such goods, with conditions for the safe depositing of such goods in the Warehouse, and for the payment of all duties due upon such goods, or for the exportation thereof, according to the first account taken of such goods upon the landing of the same, and with further conditions that no part thereof shall be taken out of such warehouse until cleared from thence upon due entry and payment of duty, or upon the due entry for exportation, and with further condition that the whole of such goods shall be so cleared from such warehouse, and the duties upon any deficiency of the quantity, according to the first account, shall be paid within one year from the date of the first entry thereof; and if after such Bonds shall have been given the goods or any part thereof shall be sold or disposed of, so that the original Bondholder shall be no longer interested in or have any control over the same, it shall be lawful for the Treasurer to admit another Receipt to be given by the Bond of the new Proprietor or other persons having control over such goods, with his sufficient Sureties, and to cancel the Bond given by the original Bondholder of such goods, or to exonerate him to the extent of the new security so given; and the said Treasurer shall be authorized to demand and receive from the Bondholder the fee of Two Shillings and Sixpence for each Bond so taken as aforesaid.

If any Goods which have been entered to be warehoused shall not be duly carried and deposited in the Warehouse, or shall afterwards be taken out of the warehouse without due Entry and Clearance, or having been entered and cleared for exportation from the warehouse shall not be duly carried and shipped, or shall afterwards be landed, except with permission of the Treasurer, such goods shall be forfeited; and in all cases where such goods have been so forfeited it shall not be incumbent on the Treasurer to cancel the Bond given by the Importer of such goods until satisfactory proof is adduced to the Treasurer that such goods have been landed at some place beyond this Government.

For the purpose of assisting in carrying into effect this Act, it shall be lawful for the Treasurer, and he is hereby authorized and required to nominate one fit and proper Officer, subject to the approval of the Officer administering the Government for the time being, as Clerk and Accountant, to act under the direction and authority of the said Treasurer; and which said Clerk and Accountant shall be paid from and out of the salary of the Treasurer provided by this Act.

Upon the entry and landing of any goods to be warehoused, the Treasurer shall take or cause to be taken a particular account of the same, and shall

mark the contents of each package, and shall enter the same in a Book to be kept for that purpose; and no goods which have been so warehoused shall be taken or delivered from the warehouse except upon due Entry for Exportation, or upon due Entry and payment of the Duty imposed by this Act; and whenever the whole of the goods warehoused under any Entry shall be cleared from the warehouse, or whenever time shall be granted for any such goods to remain warehoused, an Account shall be made out of the quantity upon which the Duties have been paid, and of the quantity exported, and of the quantity (to be then ascertained) of the goods still remaining in the warehouse, as the case may be, deducting from the whole the quantity contained in any whole package, if any, which may have been abandoned for the Duties; and if upon such Account there shall in either case appear to be any deficiency of the original quantity the Duty payable upon the amount of such deficiency shall then be paid.

Upon the Exportation from this Government of any goods upon which an enumerated or specific Duty has been paid under this Act, which shall be shown by the oath of the Importer or other persons knowing the fact, it shall be lawful for the said Treasurer to return the Duty paid thereon to the person exporting the said goods, if such goods be exported within six months from the time of their importation: *Provided nevertheless*, That the said goods shall not be entitled by virtue of this Act to such drawback or return of Duty where the prime cost thereof shall be under Twenty Pounds; and the Exporter of any such goods shall give notice to the Treasurer of his intention to export such goods, and shall lodge with the Treasurer an Outward Bill of Entry of such goods intended to be exported prior to the vessels in which the same are exported leaving the Port: *Provided also*, That the party exporting the said goods shall not be entitled to any Drawback thereon unless he shall produce to the Treasurer a Certificate, signed by the proper authority at the port or place to which such goods shall be exported, or shall otherwise satisfy the Treasurer of the exportation of such goods out of this Government.

It shall be lawful for the Treasurer, under such regulations as he shall see fit, to permit moderate Samples to be taken of any goods warehoused without Entry and without payment of Duty, except as the same shall become eventually payable as on a deficiency of the original quantity.

It shall be lawful for the Treasurer, under such regulations as the Treasurer shall see fit, to permit the proprietor or other person having control over any goods warehoused, to sort, separate, and pack and re-pack any such goods, and to make such lawful alterations therein, or arrangements and assortments thereof as may be necessary for the preservation of such goods, or in order to the sale, shipment, or legal disposal of the same, and also to permit any part of such goods so separated to be destroyed, but without prejudice to the claim for Duty upon the whole original quantity of such goods: *Provided always*, That it shall be lawful for any person to abandon any whole package to the Treasurer for the Duties, without being liable to any duty upon the same.

All Goods which have been warehoused shall be duly cleared, either for Exportation or Consumption in this Government, within twelve months from the day of the first entry for the warehousing thereof; and if any Goods be not so cleared it shall be lawful for the Treasurer to cause the same to be sold in manner hereinbefore mentioned, and the produce shall be applied—first, to the payment of Duties, next, of Warehouse Rent and other charges, and the overplus, if any, shall be paid to the Importer or proprietor: *Provided always*, That it shall be lawful for the Treasurer to grant further time for any such goods to remain warehoused, if the Treasurer shall see fit so to do, on goods not liable to injury from being kept.

All Goods whatsoever which shall have been warehoused without payment of duty upon the first importation thereof, and which shall have been or shall be in the Warehouse at the commencement of the Duties imposed by this Act, shall be deemed and taken to be liable to such Duties.

Upon the Entry Outwards of any goods to be exported from the Warehouse, the person so entering the same shall give security by Bond in trouble

No. 166.
30th July, 1860.

all Goods entered to be Warehoused; and no such Goods to be delivered out of the Warehouse, except on Entry for Exportation, or payment of Duty.

CL. XXI.
Duty to be repaid on Exportation of Goods on which Duty has been paid on their Importation.

CL. XXII.
Samples to be taken of Warehoused Goods.

CL. XXIII.
Owners of Goods Warehoused to be at liberty to sort, separate, pack, and repack Goods.

Proviso.
That any whole package of Goods may be abandoned for the Duty.

CL. XXIV.
Warehoused Goods to be cleared for Exportation or Consumption in the Colony within twelve months from Entry thereof, and on failure thereof to be sold.

Proviso.
Treasurer authorized to extend time of Warehousing.

CL. XXV.
Goods in Warehouse at commencement of this Act to be liable to Duties.

CL. XXVI.
On Goods entered for Exportation, person entering

No. 166.
30th July, 1860.

for Exportation to give
Bond for the due Exporta-
tion of such Goods.

CL. XXVII.
Duty to be abated in
case of damaged
Goods.

CL. XXVIII.
Survey to be had on
all Damaged Goods,
to estimate abatement
of Duty thereon.

CL. XXIX.
Goods forfeited to be
seized by Treasurer or
other Officer.

CL. XXX.
Writ of Assistance to
be granted to Treas-
urer by Supreme
Court of Judicature.

CL. XXXI.
Any Person assaulting
Treasurer, Landing Officer,
or other Person acting
under this Act, liable, on
conviction, to Penalty of
One Hundred Pounds, or
imprisonment with or
without hard labour, for
any period not exceeding
twelve months.

CL. XXXII.
No Information to be
granted for want of
form.

CL. XXXIII.
In Action for Irregu-
larity, Trespass, &c.,
Plaintiff not to re-
cover, if Tender of
sufficient amends
made.

the amount of the Duties of Importation on the quantity of such goods, with two sufficient Sureties to be approved of by the Treasurer, that the same shall be landed at the place for which they may be entered Outwards, or be otherwise accounted for to the satisfaction of the Treasurer.

If any Goods liable to Duty under this Act shall receive damage during the voyage, an abatement of such Duties shall be allowed in proportion to the damage so received, provided proof be made to the satisfaction of the Treasurer that such damage was sustained after the goods were shipped in the ship or vessel in which the same were imported, and before they were landed, and provided claim to such abatement of duties be made at the time of the first examination of such goods.

The Treasurer shall thereupon examine such Goods with reference to such Damage, and state the proportion of damage which in his opinion such goods have so received, and may make a proportionate abatement of Duties; but if the Treasurer be[ing] incompetent to estimate such Damage, or if the Importer be not satisfied with the abatement made by the Treasurer, the Treasurer shall choose two indifferent Merchants, experienced in the nature and value of such goods, who shall examine the same and shall make oath, stating in what proportion according to their judgment such goods are lessened in their value by reason of such damage; and thereupon the Treasurer may make an abatement of the duties according to the proportion of damage so declared by such Merchants.

All Goods liable to forfeiture under this Act shall and may be seized and secured by the Treasurer, or any Landing Officer, or any other person employed for that purpose and authorized in writing by the Treasurer to make such seizure; and every person who shall in any way hinder, oppose, molest, or obstruct the Treasurer, Landing Officer or other person so employed and authorized as aforesaid in the execution of his Office shall, for every such offence, forfeit the sum of Twenty Pounds.

Under authority of a Writ of Assistance granted by the Supreme Court of Judicature of this Government, which Court is hereby authorized and required to grant such Writ of Assistance upon application made for that purpose by the Treasurer, it shall be lawful for the Treasurer, or any Landing Officer aforesaid, taking with him a Peace Officer, to enter any buildings, [or] ships in the Ports of Kingstown and Calliaqua or any other place, in the daytime, and to search for and seize and secure any Goods liable to forfeiture under this Act; and in case of necessity to break open any doors and any chests or other packages for that purpose; and such Writ of Assistance, when issued, shall be deemed to be in force during the whole of the reign in which the same shall have been granted, and for twelve months from the conclusion of such reign.

If any person shall by force or violence assault, resist, oppose, molest, hinder, or obstruct the Treasurer, Landing Officer, or other person employed or authorized as aforesaid, in the exercise of his Office, such person shall be deemed guilty of a Misdemeanour and, on being convicted thereof before the Court of Grand Sessions of the Peace, shall be liable to a penalty not exceeding One Hundred Pounds sterling, or to be imprisoned with or without hard labour for any time not exceeding the period of twelve calendar months, at the discretion of the said Court.

No Information, Conviction, or other proceedings before any Magistrate shall be quashed or set aside, or adjudged void or insufficient for want of form.

No Plaintiff shall recover in any Action for any irregularity, trespass, or other wrongful proceeding made or committed in execution of this Act, or in, under, or by virtue of any power or authority hereby given, if Tender of sufficient amends shall have been made by or in behalf of the person or party who shall have committed such irregularity, trespass, or other wrongful proceeding, before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by leave of the Court where such Action shall depend, at any time before issue joined to pay into Court such sum of money as he shall think fit, whereupon such proceedings, Order, and Adjudication shall be had and made in and by such

Court as in other Actions where defendants are allowed to pay money into Court.

All Masters of Vessels, previously to clearing their vessels at the Custom House, shall take out a Certificate from the Treasurer's Office to the effect that all Colonial Duties have been paid, under a Penalty of Five Pounds to be recovered as all other Fines and Penalties are directed to be recovered under this Act; and the said Treasurer is hereby directed to grant the said Certificate free of any charge whatever.

The Treasurer shall make to the Two Houses of Legislature, in the Months of January, April, July, and October in each Year, a Quarterly Statement of all Goods imported into this Island, with the amount of Duties paid thereon.

All Fines, Penalties, and Forfeitures incurred by this Act, not herein otherwise provided for, shall be recovered, on conviction before the Police Magistrate of the Kingstown District, and in case of conviction, if the penalty, forfeiture, or sum of money, shall not be forthwith paid, it shall be lawful for the Magistrate to order the party to be detained in safe custody, until Return can be made to the Warrant to be issued as hereinafter directed, unless such party shall give security to the satisfaction of the Magistrate for his appearance at the expiration of ten days from the time of such detention; and the Magistrate is hereby empowered to take such security by way of recognizance or otherwise, and the said Magistrate is further empowered to issue his warrant to the Provost Marshal, to levy such fines, penalties, and forfeitures, upon the goods and chattels of the offender, and the Provost Marshal, in case of levy, shall sell such goods and chattels at the Court House, in five days after levy, and shall return his warrant to the Magistrate within three days after such Sale, and the surplus of the moneys (if any) arising from such Sale, shall be paid to the owner, on demand, after satisfying the Warrant and the Costs; and the Provost Marshal shall be authorized to demand and receive the same Fees as he is entitled to for the performance of the like duty on Executions issuing from the Supreme Court of Judicature; and if upon the return of such Warrant it shall appear that no sufficient distress could be had whereupon to levy the said fine, penalty, or forfeiture, it shall be lawful for the Magistrate, by warrant under his hand to commit such party so convicted as aforesaid to the Gaol, there to remain for any time not more than one Calendar month when the Sum to be paid shall not exceed Five Pounds, and not more than six Calendar months in any case, the imprisonment to cease on payment of the fine or sum of money; and the amount of all fines, penalties, and forfeitures, not herein otherwise provided for, shall be paid into the Public Treasury, to the use of Her Majesty, her heirs and successors, for the public uses of this Government.

No Action, Suit, or Information, or any other proceeding of what nature soever, shall be brought, commenced or prosecuted against any person for anything done, or committed, or omitted to be done, in pursuance of this Act, unless Twenty Days' previous Notice in writing shall be given by the Party intending to commence and prosecute such Suit, Information or other proceeding to the intended Defendant, nor unless such Action, Suit, Information or other proceeding shall be brought or commenced within three Calendar months next after the act committed; or in case there shall be a continuance of damage, then within three Calendar months next after the doing or committing such damage shall have ceased, or if in vacation, then at the next ensuing Court; and the defendant or defendants in any such Action, Suit, Information or other proceeding may plead the General Issue and give this Act and the special matter in evidence upon any trial to be had thereupon, and if the Plaintiff shall become nonsuited, or shall suffer a discontinuance of his Suit, Information or other proceeding after the Defendant shall have appeared thereto, or if Verdict shall pass against the Plaintiff thereon, or if upon a Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall have his costs as between Attorney and Client, and shall have such remedy for recovering the same as Defendants have for recovering costs of suit by Law in other cases.

In the construction of this Act, unless there be something in the context

No. 166.
30th July, 1860.

CL. XXXIV.
Master of Ship, previous to clearing at Customs, to take Certificate from the Treasurer that all Colonial duties have been paid, under Penalty of Five Pounds.

CL. XXXV.
Treasurer to make Quarterly Returns to Legislature of Duties paid.

CL. XXXVI.
Recovery of Fines and Penalties.

CL. XXXVII.
Twenty Days' Notice of Action to be given before Suit commenced against any person for anything done or omitted to be done in pursuance of this Act.

CL. XXXVIII.
Construction of Act.

No. 166.
30th July, 1860.

CL. XXXIX.
Duties of Treasurer may
be performed by lawful
Deputy.
Meaning of the word
Goods.

CL. XL.
Salary of Treasurer.

CL. XLI.
Landing Waiters.

Their Appointment.

Their Duties.

Their Salary.

Proviso.

CL. XLII.
Duties of Landing
Waiters.

CL. XLIII.
Landing Waiters to
have an Office in
Kingstown, nearly ad-
joining the Treasurer's

repugnant thereto, any word denoting the singular number or the male sex, shall be taken to extend to any number of persons or things, and to both sexes.

All Duties directed under this Act to be performed by the Treasurer shall and may be performed by his lawful Deputy, and [that] the word Goods shall be taken to mean and include all goods, wares, merchandises, chattels, and articles liable under this Act to the payment of Duty.

There shall be payable to the Treasurer the annual sum of One Hundred and Fifty Pounds for the performance of the duties required by this Act, who shall be entitled to receive the same in quarterly payments from the Public Treasury.

There shall be one Landing Waiter for each of the Ports of Kingstown and Calliaqua to carry out the provisions of this Act, and the Landing Waiters now in office shall continue to hold office until death or resignation, or removal for just cause by the Governor; and the Governor shall, by Commissions under his hand and seal from time to time and as often as occasion shall require, nominate and appoint some fit and proper persons to be such Landing Waiters, who shall act under the authority and direction of the Treasurer, whose duty it shall be to inspect and see water-borne all goods entered for Exportation on which Drawback shall be claimed, and also to inspect all goods landed from any vessel, the landing of which shall have been permitted by the Treasurer and Warrant granted by him for that purpose, and without such Warrant no goods shall be landed from any vessel upon any pretence whatever; and if any goods shall be landed contrary to the directions here given, the goods so landed shall be immediately seized by any Landing Waiter, and upon due proof made before any Police or other Magistrate of such landing, the goods so seized shall be declared forfeited, and ordered to be sold by the Magistrate before whom the case shall be heard within fifteen days after such Order made, and Notice given in the 'Gazette,' the proceeds of which sale, after deducting all legal and necessary expenses, shall be paid into the Public Treasury for the public uses; and all Police and other Constables are hereby directed to assist the Waiters in the due execution of their duty whenever called upon for the purpose; and such Landing Waiters shall each receive for the duties to be by them performed the annual sum of Fifty Pounds, and One Pound per Hundred Pounds on the amount of Duties collected, payable quarterly; and, in addition to such salaries, each of the said Landing Waiters shall be entitled to receive one clear net third of the net proceeds of all goods seized by him and condemned or sold as herein mentioned: *Provided always*, That such Officers respectively shall not, so long as they shall hold such appointments, be capable of being elected or sitting as Members of the House of Assembly, but shall devote their whole time to the duties of their appointments, and shall not have or hold any other office or employment, or follow any trade or other occupation whatever, and shall be exempt from service on all Juries whatsoever, and from holding any other honorary or other Public Office whatsoever: *Provided always*, That any act, matter, or thing which can or may be lawfully done by either of such Landing Waiters at or in the port or district to or for which he shall be specially nominated, shall, if lawfully done by him at any other port or elsewhere in the said Government, be valid good and sufficient to all intents and purposes.

Each Landing Waiter shall keep a Book in which shall be entered copies of all Warrants received by him, together with an account of the various packages and goods landed under his inspection by virtue of such Warrants; and if it shall appear to him that any article named in any Warrant is undervalued he shall immediately report the same to the Treasurer; and the Book so to be kept shall be considered the property of the Public, and shall be open for the inspection of the Committee of Public Accounts or any Member thereof during office hours, and in such Book shall also be entered a list of the articles seized, and the proceedings thereupon taken.

The Landing Waiters shall keep one office in the said towns of Kingstown and Calliaqua respectively, which shall be open from the hour of seven o'clock in the morning to the hour of five o'clock in the afternoon (Sundays,

Christmas Days, and Good Fridays excepted), for the purpose of receiving Warrants from the Treasurer and transacting all business connected with their duties, and that no goods shall be landed before or after such specified hours, except by permission of the Treasurer; and that the sum of Twenty Pounds per annum, payable quarterly, be allowed and paid for the rent of such office in Kingstown; and that the said office shall nearly adjoin the Treasurer's, and be engaged subject to the approval of the Treasurer: And the Landing Waiter at Calliaqua shall be provided with a Public Office at the said town, subject to the approval of the Governor, at a rent not exceeding Fifteen Pounds per annum payable quarterly.

And whereas it frequently occurs that merchants and other persons arrive in this Island from Great Britain, the neighbouring Colonies, or the United States of America, with cargoes of merchandise or other goods, and remain for a short time only, during which they carry on business to a considerable extent but contribute nothing to the public revenue by way of Income Tax or otherwise in common with the resident merchants or traders; and it is expedient that such persons so arriving and departing should be rendered liable to contribute in some degree to the revenue of the Colony: *Be it therefore enacted*, That from and after the passing of this Act it shall be the duty of the Treasurer to require from all and every person or persons arriving in this Island, and entering goods, wares, or merchandise, not having been at the time twelve months a resident or inhabitant thereof, nor having paid Tax on his Income under the Annual Tax Act for the then current year, that he or they do first take out a Licence for the sale or disposal of such goods, wares, or merchandise, such Licence to be renewable each and every time such person or persons shall arrive and make entry of such goods: for such Licence so to be granted by him the Treasurer shall and he is hereby required to demand and receive the sum of Twenty-five Pounds, to be applied by him to the public uses of this Colony: *And provided also*, That any person presuming to trade or carry on business, or occupying any store, shop, or house for the purposes thereof, contrary to the provisions of this Act, shall be liable to a penalty of One Hundred Pounds for each offence, to be recovered in a summary manner before any two Justices of the Peace, upon Information or Complaint thereof by the Treasurer: *Provided always*, That no transient trader shall be compelled to take out more than two Licences in any one year.

It shall be lawful for the said Treasurer, and he is hereby authorized to administer all Oaths necessary and required by this Act to be administered for carrying into effect the purposes of this Act.

Any person who shall wilfully and corruptly swear falsely as to any matter or thing required by this Act shall be guilty of Perjury, and shall be liable to the pains and penalties of wilful and corrupt Perjury.

That [*the*] several Weights and Measures mentioned and referred to in this Act shall be deemed to be the same as the Standard Weights and Measures used in the United Kingdom at the time of the publication of this Act.

All Penalties, Fines, and Forfeitures imposed, levied, and recovered under this Act and not otherwise herein provided for, shall be paid into the Public Treasury, to the use of Her Majesty, her Heirs and Successors, for the public uses of this Government.

In citing this Act in other Acts of the said Legislature, and in all Legal Instruments, it shall be enough to use the expression "The Import Act, 1860."

No. 166.
30th July, 1860.

Office, and to be approved of by the Governor.

Allowance for Rent thereof Twenty Pounds.

CL. XLIV.
Transient Traders taxed.

CL. XLV.
Treasurer to administer Oaths.

CL. XLVI.
Persons wilfully swearing falsely, guilty of Perjury, liable to certain pains and penalties.

CL. XLVII.
Weights and Measures how to be deemed.

CL. XLVIII.
Fines and Penalties, how to be paid.

CL. XLIX.
Short Title of Act.

SCHEDULE.

ST. VINCENT.

1. An Act to repeal an Act, entitled "An Act to repeal an Act, entitled "An Act to repeal an Act, entitled An Act to lay further Duties on Goods "imported into these Islands, and to substitute other provisions in lieu thereof, "and for the purpose of laying other Duties on Goods imported into this "Government."—8th September, 1852.

2. An Act to Assimilate the Duties on all imported Spirits and Refined Sugars, and to raise the *ad valorem* Duty on imported Goods.—24th December, 1853.

No. 166.
30th July, 1860.

3. An Act to alter and amend the Forty-first Clause of "The Import Act, 1852," and to make other provisions in lieu thereof.—6th November, 1856.
4. An Act to alter and amend an Act, entitled "An Act to assimilate the Duties on all imported Spirits and Refined Sugars, and to raise the *ad valorem* Duty on imported Goods."—22nd June, 1857.

No. 167.

An Act to amend "The Kingstown Townwards Act, 1860."

[15th September, 1860.]

CL. I.
Justices appointed to act as Townwards for Kingstown under "the Kingstown Townwards Act, 1860," to have and exercise all the powers of Townwards under the Kingstown Townwards Act, 1840.

WHEREAS by an Act of the Government of the Island of St. Vincent and its Dependencies, to be cited as "The Kingstown Townwards Act, 1860," made and passed on the thirteenth day of January, in this present year one thousand eight hundred and sixty, it is amongst other things enacted and declared, that it should be lawful for the Governor immediately on the passing of the said Act to appoint by Warrant under his hand and seal three Justices of the Peace resident in the Town of Kingstown to act as Townwards for the said town of Kingstown until election had and Townwards for the said town qualified to act should assume the said office; and it was and is in and by the said now reciting Act further enacted and declared that such Justices, or any two of them, should and were thereby declared to have and be invested with all and every the authorities and powers of Townwards under the Act of the said Government, to be cited as "The Kingstown Townwards Act, 1840" (except the power of levying rates and taxes and appointing Town Officers): *And whereas* no valid election of Townwards for the said town for the present year one thousand eight hundred and sixty hath been yet had, and no persons qualified to act have assumed the said Office of Townwards for the said town of Kingstown for the last-mentioned year, and inasmuch as no election can now by Law take place till the ensuing year one thousand eight hundred and sixty-one, it is deemed expedient to grant further powers to the Justices appointed under the provisions of the said firstly hereinbefore recited Act in order to raise the annual fund for defraying the expenses of the said Town: *Be it therefore enacted* by the Governor, Council, and Assembly of the Government of the said Island of St. Vincent and its Dependencies, that from and immediately on and after the passing of this Act the Justices appointed under and in pursuance of the said firstly hereinbefore recited Act, or to be appointed as hereinafter mentioned, to act as Townwards for the said town of Kingstown, as hereinbefore and hereinafter mentioned, shall and are hereby declared to have and be invested with all and every such and the same powers, authorities, and jurisdiction as are vested in the Townwards of the said town of Kingstown under the said "Kingstown Townwards Act, 1840;" and any two of such Justices shall and may exercise the same, and any and every act, matter or thing had, made, or done by such Justices or any two of them shall have the same force, effect and validity as if the same had been had, made or done by the Townwards of the said town duly elected under the said "Kingstown Townwards Act, 1840."

CL. II.
No fresh Assessments to be made for the present year, 1860; the same rates and taxes as were assessed for 1859 shall be levied for 1860.

And whereas by the said Kingstown Townwards Act, 1840, Assessment is required to be made annually for the purpose of laying the rates and taxes payable for the current year under the said Act; *And whereas* such Assessment was duly had and made in the year one thousand eight hundred and fifty-nine, and it is not deemed necessary to impose the duty of making such Assessment for the present year on the said Justices: *Be it therefore enacted*, That it shall not be necessary that the said Justices should for the present year, one thousand eight hundred and sixty make any new or fresh Assessment, but that the said Justices so appointed or to be appointed under the authority of this Act shall and may proceed to lay, raise, and levy the annual rates and taxes for the present current year, one thousand eight hundred and sixty, on the several persons and properties liable to be taxed under the provisions of the said Kingstown Townwards Act, 1840, on, under and accord-

ing to the Assessment so made in the year one thousand eight hundred and fifty-nine, and notice of all amounts so payable shall be given in the Public Gazette by such Justices at least fourteen days before the day fixed for payment of the same.

And whereas by the Tenth Clause of the said "Kingstown Townwardens Act, 1840," the first day of July in each year is fixed for the final day of payment of the rates and taxes raised and payable for the current year under the authority of the said Act: *Be it enacted*, That for and in respect of the rates and taxes to be raised and levied for this present year, one thousand eight hundred and sixty, the time for payment of the same shall be and is hereby extended to the first day of November now next ensuing, and at any time after the said last-mentioned day it shall be lawful for the said Justices, or any two of them, to enforce the same in case of non-payment in like manner as the Townwardens of the said town are authorized to enforce the same at any time after the first day of July in each year: *Provided always*, That no Warrant shall be issued for levying any such rates or taxes till after the lapse of one month from the time when such Public notice in the Official Gazette shall have been given as hereinbefore provided, and all moneys raised by such Justices, or any two of them, from or by any such rates or taxes as aforesaid for the present year, one thousand eight hundred and sixty, shall be applied and appropriated by them in manner directed by the said "Kingstown Townwardens Act, 1840;" and the said Justices shall make up their accounts and render the same in like manner as is required of the Townwardens under the said last-mentioned Act, and shall be liable to a like penalty in case of default.

And whereas certain powers and authorities are vested in, and certain duties are required to be performed by, the Townwardens of the said town of Kingstown under the Act of the said Island, entitled "An Act to repeal an Act entitled an Act to repeal the Market Acts, and to establish other Regulations in lieu thereof and to make provisions for regulating the Public Market in Kingstown:" *Be it therefore enacted*, That the said Justices so appointed as aforesaid, or to be appointed as hereinafter mentioned to exercise the office of Townwardens for the said town of Kingstown of this present year, one thousand eight hundred and sixty, and until the election of Townwardens for the said town, or any two of them, shall and are hereby declared to have and be invested with and charged with all and every the powers, authorities, jurisdictions and duties in and by the said lastly hereinbefore recited Act vested in or charged upon the Townwardens of the said town of Kingstown:

And whereas it is necessary to make provision for the appointment of other persons to act as such Justices representing the Townwardens of Kingstown in the event of the death, absence, resignation, refusal to act, or dismissal of those already appointed or to be hereafter appointed under the authority of this Act: *Be it therefore enacted*, That in case any or either of the Justices appointed under the authority of the firstly hereinbefore recited Act to act as Townwardens for the said town of Kingstown, or in case any or either of the Justices to be appointed under the authority of this Act and this present Clause shall die, remove, refuse, or be incapable to act, or be dismissed from the said Office, it shall be lawful for the Governor, as often as occasion shall require and until the election of Townwardens for the said town of Kingstown according to Law, to nominate another person or persons, being a Justice or Justices of the Peace resident in the said town, to act in the execution of the said "Kingstown Townwardens Act, 1840," in the room or stead of the Justice or Justices so dying, removing, resigning, refusing, becoming incapable to act, or dismissed as aforesaid; and in case no valid election of Townwardens shall be had at the time by Law fixed for the ensuing year 1861, that then and in that case the Justices appointed as aforesaid, or to be appointed under the authority of this Act, shall continue to act in the place and stead of the Townwardens for the said town of Kingstown, with all and every the powers and authorities vested in the Townwardens for the said town under the said Kingstown Townwardens Act, 1840, and the said hereinbefore recited Act for regulating the Market in Kings-

No. 167.
15th September, 1860.

Notice to be given in the Public Gazette at least 14 days before the day of payment.

CL. III.
Final day of payment of town taxes to be 1st November in this present year 1860, in lieu of 1st July. Justices authorized to enforce payment thereof at any time after said 1st November.

Proviso.
No Warrant to issue till after one month from the time of notice in Gazette.

CL. IV.
Justices to exercise powers of Townwardens under Kingstown Market Act, 1849.

CL. V.
Governor authorized to appoint other Justices to act as Townwardens until the election of Townwardens, and so from time to time in case Justices appointed to act as such shall die, &c.

No. 167.
15th September, 1860.

CL. VI.
Title of Act.

town, for and during all such part of the said year one thousand eight hundred and sixty-one as there shall be no Townwardens authorized and qualified to act, or no sufficient number of such Townwardens, and until Townwardens shall be duly elected for the said town and qualify themselves according to Law to act in the said Office.

This Act and the said several Acts to be cited as "The Kingstown Townwardens Act, 1840," and "The Kingstown Townwardens Act, 1860," shall be read together and construed as one Act, and if it shall be necessary to cite this present Act apart from the said other Acts or Act, the same shall be cited as "The Amended Kingstown Townwardens Act, 1860."

No. 168.

An Act for consolidating and amending the Laws relative to the Administration of Civil Justice.

[Assented to 15th October, 1860.]

WHEREAS it is expedient that the various Acts of the Government of this Colony relative to the establishment of Courts for the trial of Civil Actions should be repealed, and the provisions contained in those Acts consolidated and amended: *Be it therefore and it is hereby enacted* by the Governor, Council, and Assembly of the Island of St. Vincent, and its Dependencies as follows:—

CL. I.
Short title of Act.

CL. II.
Repeal of Schedule Acts.
Saving.

This Act shall be called "The Court Act, 1860."

The several Acts of this Colony, the titles of which are set out and contained in the Schedule marked A. to this Act annexed, shall be and the same are hereby repealed: *Provided*, That the repeal of such Acts shall not be construed to prejudice or affect any right, title, or interest, acquired thereunder, or to stay or prevent the further prosecution of any Civil Proceedings which may be pending and undetermined.

CL. III.
Constitution.

Court for Trial of Actions to be styled "The Supreme Court of Judicature."
To consist of the Chief Justice and Three Assistant Justices.

CONSTITUTION AND JURISDICTION OF COURT.

The Court heretofore subsisting in this Island for the trial of Civil Actions shall continue by the Style of "The Supreme Court of Judicature," and shall consist of the Chief Justice of the said Island of St. Vincent and its Dependencies for the time being [and such other persons as have been already nominated and appointed Assistant Justices and now preside and sit as Justices of the said Court, and such others, not exceeding three in the whole number, of such Assistant Justices who shall from time to time in case of vacancy by death, resignation, or otherwise howsoever, be duly appointed and commissioned by Her Majesty, or the Officer administering the Government of this Island and its Dependencies for the time being to fill such offices respectively;] and the said Court shall be a Court of Record, and shall have, use, exercise, and enjoy, within this Island, and the Island of Bequia, and such other of the Grenadines as lie to the Northward of Carriacou, all such jurisdictions, powers, and authorities whatsoever, in all matters, Criminal as well as Civil, as fully and amply to all intents, constructions and purposes as the Court heretofore subsisting legally hath used or exercised, and as the Courts of Queen's Bench, Common Pleas, and Exchequer at Westminster within the Kingdom of England respectively have and ought to have by any Law, Statute, or usage; and the same Court is hereby empowered to hold Pleas in all actions whatsoever, [and] to give Judgment and to award Execution in all cases accordingly; and the practice and pleadings of the said Court except as herein (or hereafter, by any rule or order of the Justices of the Court hereby established made in manner hereinafter mentioned) otherwise provided, shall be as nearly similar as local circumstances will permit to the practice, pleadings, and proceedings of the Court of Common Law at Westminster for the time being.

Jurisdiction of Court.

Practice to be as nearly similar to the Courts of Common Law at Westminster as circumstances will permit.

CL. IV.
Justices to take State Oaths in addition to Oaths of Office, as herein.

Every person who shall in future be appointed a Justice of the Supreme Court of Judicature shall before he sits in the said Court take the Oaths required by Law to be taken by persons appointed to fill Offices of Trust in

this Government, and shall moreover previously to his sitting as such Justice take the following Oath:—I, A. B., do swear that, according to the best of my skill and knowledge, I will administer Justice according to Law as [Chief or Assistant] Justice of Her Majesty's Supreme Court of Judicature of the Island of St. Vincent, without fear, favour, affection, or partiality. So help me God.

Which Oath shall be administered to the Chief Justice in Council and to the Assistant Justices for the time being before the Chief Justice in Open Court, and the said Justices or any one or more of them are and is hereby empowered to hold the said Court, and to hear, try, and determine all matters, causes, and suits which may be prosecuted, commenced, or brought in the said Court, and may adjourn the Sittings of the same, from time to time, so as the adjournment does not extend to the day on which the next succeeding Court is to be holden; *Provided always*, That on all motions for Rules for setting aside proceedings, or for new trials, or in arrest of judgment, or other special matters, and on making any such Rules absolute, or on an argument of any plea, demurrer, or special verdict, Three Justices of the said Court, at the least, shall be present, whereof the Chief Justice shall be one when in the Colony and not prevented by sickness from attending.

The Supreme Court of Judicature shall be held at the Court House in the Town of Kingston in the said Island, or at such other place as the Governor in Council shall appoint, on the third Tuesday in the several months of January, March, May, July, and September in every year, and all Actions pending and undetermined before the Supreme Court of Judicature at the time of the coming into operation of this Act shall be tried and determined at any subsequent sitting of the said Court held pursuant to the provisions of this Act.

On any Adjournment of Court, a Minute made thereof and entered by the Secretary of the Court by order of any Judge in the Minute Book shall be sufficient adjournment of the Court, and it shall not be necessary to open the Court at any adjourned sitting of the Court by Proclamation; and the Court is hereby declared to be duly constituted if held on the day mentioned in any such Minute and in pursuance thereof.

It shall be lawful for the Chief Justice, [or in his absence for any Assistant Justice of the said Court,] to assemble the Court at any time for the despatch of such business as may be transacted without the intervention of a Jury, and to continue the sitting of the said Court so to be held for the space of three days if necessary, and the Secretary of the Court shall notify the holding of such Court by advertisement in the Public Gazette, and by setting up notice of the day and hour on which it is appointed to be held in some conspicuous place in his Office, and on the door of the Court House, at least four days before the day on which such Court shall be held.

In cases not herein or hereby sufficiently provided for it shall be in the power of the Justices of the Court, or the majority of them whereof the Chief Justice shall be one, to make and establish General Rules for guiding the practice of the Court, and to approve or direct the forms of process issuing out of the said Court as near and as agreeable as may be to the practice of the Superior Courts of Common Law at Westminster; and the Secretary shall keep a Book wherein shall be entered at large all such General Rules, and shall always have the same book in Court: *Provided always*, That before any such Rules shall take effect the same shall be laid before the Legislature for approval, and if any such Rules shall be disallowed by Her Majesty, or by Resolution of either branch of the Legislature, the same shall have no force or effect whatsoever: *Provided always*, That any such Resolution whereby such disallowance by either branch of the Legislature shall be signified shall be passed within four months after the same Rules shall have been submitted for approval, and if no such Resolution shall be passed within the time aforesaid the Rules so submitted for approval shall take effect from the expiration of such four months: *Provided also*, That it shall be lawful for the said Court to make and issue any such General Rules at any time after the passing of this Act, so as the same be submitted for approval aforesaid and no objection made as aforesaid, and

No. 168.
15th October, 1860.
Form of Oath.

How to be administered.

Powers of Court.

Proviso.
Three Justices to be present on motion for settling [setting aside] proceedings, &c.

CL. V.
Supreme Court to sit in months of January, March, May, July, and September.

CL. VI. ✕
Not necessary for adjourned meeting of the Court to be opened by Proclamation.

CL. VII. ✕
Chief Justice or Assistant Justice to assemble Court at any time for the despatch of business.

CL. VIII. ✕
Justices of the Court authorized to make Rules for guiding the practice of the Court.

Proviso.
Rules to be laid before Legislature for approval.

Proviso.
Rules to take effect if not disallowed within four months.

No. 168.
15th October, 1860.

CL. IX.
Officers of Court when
are parties in a suit,
process to be directed
to other persons.

CL. X.
Attendance of Secre-
tary and Marshal at
their Offices.

Admission of Practi-
tioners.

CL. XI.
Any Person practising
the Law, without first
being duly admitted
in Court, shall forfeit
20*l*.

Oath to be taken.

Certificate of taking
Oath to be filed in the
Secretary's Office.

Computation of Time.

CL. XII.
How computed.

Costs.
CL. XIII.
In action before the
Court.

so as the same be not made to take effect before the time appointed for the commencement of this Act: *Provided*, That until any new rules shall take effect whereby the present rules of the said Court shall be abrogated, the Rules now in force shall remain and continue in force until such new rules shall take effect as aforesaid, except so far as such rules or any of them may be altered by this Act or repealed by implication.

In case the Provost-Marshall or the Secretary of the Court hereby established shall be personally interested in any action, the writ of summons and other process shall, in the case of the Marshal being interested, be directed to and served by the Coroner of the Kingston Police District, for which he shall receive the like fees payable to such Marshal in ordinary suits, to be taxed as costs in the cause; and, in case of the Secretary being interested, the writ of summons and all other process shall be signed by the Provost-Marshall, for which he shall receive the like fees payable to such Secretary in ordinary cases, and to be taxed as costs in the cause.

The Secretary and Provost-Marshall shall attend at their Offices every day from the hours of ten o'clock in the forenoon to four o'clock in the afternoon, except Sundays, Christmas Day, Queen's Birth Day, Good Friday, Easter Monday, Whit Monday, and days of General Fast or Thanksgiving.

AS TO THE ADMISSION OF PRACTITIONERS.

If any person shall presume to plead or practise the Law in this Island, or give advice in any law affair whatever, or make or draw any Deed, Will, or other legal instrument for fee or reward, until he hath obtained the approbation of the Court and hath qualified himself in the said Court by taking the following Oath, he shall forfeit the sum of Twenty Pounds for each offence, one half for the public uses of this Island, and the other half to such person as shall inform and sue for the same, to be recovered by Action of debts or assumpsit; which Oath shall be in the following words, *viz.*:—I, , do swear that well and truly I will serve the Queen's people, and all others who shall legally retain me, according to the best of my knowledge and learning in the Laws of Great Britain and the Laws of this Island, and I shall truly counsel and advise them that shall retain me according to the best of my skill; and I shall not defer, protract or delay their causes any way to their hurt or disadvantage for the sake of making profit or gain thereby, nor for hope or promise of reward from any other person; and that where I have been retained and my Client has opened and explained his case to me, I shall not on any pretence whatever appear as Counsel on the opposite side, or disclose the circumstances of his case to any person whatsoever to the prejudice of the Retaining Client. So help me God.

A certificate of the taking such Oath must be filed in the Secretary's Office before any person shall be reckoned or esteemed qualified; and no other Oath shall be required except the oaths required by Act of Parliament.

AS TO COMPUTATION OF TIME.

That in all cases in which any particular number of days is prescribed, the same shall be reckoned exclusively of the first day and inclusively of the last day, unless the last day should happen to fall on a Sunday, Christmas Day, Good Friday, or a day appointed for a Public fast or Thanksgiving, in which case the time shall be reckoned exclusively of that day also.

AS TO PAYMENT OF COSTS.

The Costs of any issue either in fact or Law shall follow the finding or Judgment upon such issue and be adjudged to the successful party, whatever may be the result of the other issue or issues, and in all cases in which a Plaintiff or Defendant is or shall be liable to pay costs according to the Law or practice in force in the superior Courts at Westminster, a Plaintiff or Defendant shall be liable in this Colony to the payment of costs in the same manner, and to be recovered in the same way, as provided in like cases in such Courts.

AS TO PROCESS AND PROCEEDINGS.

All Actions to be tried in the said Court, except as hereinafter mentioned, shall be commenced by Declaration filed or entered in the Secretary's Office, fourteen days at least before the holding of each respective Court, exclusive of the Court day but inclusive of the day of entry; and a Writ of Summons, in the form set forth in Schedule B to this Act annexed numbered 1, containing the names of all the parties, Plaintiffs and Defendants, shall issue out of the said Court, and the Provost-Marshal shall cause a copy thereof made by him to be served on each of the Defendants, if more than one, if resident in this Island at least four days, and if resident in Bequia and the Grenadines at least eight days before the return day thereof respectively, together with a copy of the Declaration in such action; and the Writ of Summons shall contain the names of all the Defendants if more than one, and the original Writ shall be returned, after service, in the Secretary's Office properly indorsed.

That all Declarations, Pleas, Demurrers, and other Pleadings shall be signed by Counsel duly authorized to practise in the said Court, unless the Court or any Judge thereof shall make order to the contrary.

If any Defendant be absent from this Government, and has a Power of Attorney recorded in the Secretary's or Registrar's Office, service of the Writ of Summons and copy of the Declaration shall be made on the Attorney of such Defendant in person, or by leaving the same at his most usual place of abode with some person residing thereat; but if such Defendant be absent from this Government without a Power of Attorney from such Defendant recorded in the Secretary's or Registrar's Office, service of such Writ of Summons and copy of Declaration shall be made at the last place of abode, if any, of such Defendant, by leaving the same there with one of the family or a servant of the Defendant, and if such Defendant hath no such place of abode but shall have a Freehold or Leasehold in this Government, such service shall be made by affixing the Writ of Summons and copy of Declaration on any part of such freehold or leasehold, and if such Defendant hath no such place of abode, and no such freehold or leasehold, then service thereof shall be made by nailing the same at the door of the Court House in the Town of Kingston in this Island: *Provided always*, That no such service as last aforesaid shall be deemed good or sufficient to entitle the party suing out and serving such Writ of Summons to proceed against any person or persons under the same who shall never have been actually resident and who shall have no real or personal Estate whatsoever in the said Island or Government: *And provided also*, That no such service as last aforesaid shall be deemed good or sufficient to enable the party suing out such Writ of Summons to proceed under the same against any person whomsoever unless, in addition to such last-mentioned service, it shall be proved by affidavit to the satisfaction of the said Court that due and diligent attempts have been made to discover and find out such Defendant, and to serve him with a notice of such action.

AS TO WRITS OF *Scire Facias*.

Writs of *Scire Facias* shall be served four days before the sitting of the next Court after their *teste*, exclusive of the Court day, by the Provost-Marshal, as actions by Declaration, save only that the service shall be by a Copy of the Writ attested by the Secretary, the original to be kept and filed in the Secretary's Office, and no summons shall go on it the proof of which service in Court shall amount to a *Scire Feci*; but if the party to be served is not within the Government, nor hath a Freehold or Leasehold therein, nor a Power of Attorney recorded in the Secretary's or Registrar's Office, service of such Writ of *Scire Facias* shall be made as hereinbefore directed in the case of a Writ of Summons in a personal action where the Defendant is absent from the Government, and hath no Attorney upon whom to serve the same; and the Marshal shall return *Nulla bona*, or *Non est inventus*; which Return shall be sufficient to found a Judgment upon unless the Defendant shall appear and plead or demur thereto within twenty-one days, as

No. 168.
15th October, 1860.

Process and Proceedings.

CL. XIV.
Actions, when debt or damages exceed twenty pounds to be commenced by Declaration.

Time of filing.

Form of Writ of Summons.
Service.
Return.

CL. XV.
Declarations, Pleas, &c., to be signed by Counsel.

CL. XVI.
Service on an absent Defendant.

Proviso. 2

Proviso. /

Writs of *Scire Facias*.

CL. XVII.
Service of, to be four days before the Court.

Party off the Island having left no Attorney.

No. 168.
15th October, 1860.

CL. XVIII.

No *Scire Facias* to issue on recognizance, until execution returned that Defendant is not to be found.

Surrender to discharge Bail.

CL. XIX.

Capias in what case to issue.

Fees.

CL. XX.

All persons free from arrest on Sunday ; and must serve process.

CL. XXI.

Bail must be given before Judge on Notice.

Proceedings on Bail Bond.

CL. XXII.

Exceptions to Bail, when to be made.

CL. XXIII.

Directions as to Bail Bond.

in other actions ; and the Plaintiff shall be at liberty to assess damages as hereinafter provided in case of a Judgment by default.

No *Scire Facias* or Process shall go on the recognizance of Bail until an Execution is returned against the Defendant that he is not found, and the Bail may surrender the Principal in discharge of themselves at any time before Judgment obtained on the Bail Bond, and the surrender shall be by delivering the Defendant to the Provost-Marshall at his Office, who shall be obliged to receive the Defendant or be liable to the party injured in an Action on the Case for Damages, and on Affidavit of the surrender and an entry thereof made by the Secretary, the Bail shall be discharged.

No *Capias ad respondendum* shall issue for a sum less than Twenty Pounds unless the Plaintiff, his Attorney, or Agent, shall in addition to swearing to the amount due, make oath that the Defendant is about to leave the Government ; and in all cases where the debt sworn to shall be under Twenty Pounds the Writ shall issue under the Summary Jurisdiction of the Court, and it shall not be necessary to file any Declaration, but the Plaintiff may proceed in the action in the manner hereinafter provided and directed in cases where the debt or damage claimed does not exceed Twenty Pounds, and the Fees payable on every such Writ of *Capias*, as last aforesaid, on the Bail Bond, and other proceedings had in any such action shall be one half of those allowed where the action is by Declaration in the Superior Jurisdiction of the Court.

The body of any person shall not be liable to an arrest, or to be taken in execution in any Civil cause, on the Lord's Day ; no person or persons on the Lord's Day shall serve or execute, or cause to be served or executed, any Writ, Process, Warrant, Order, Judgment, or Decree, except in cases of Treason, Felony, or Breach of the Peace, or Escape, but the service of every such Writ, Process, Warrant, Order, Judgment, or Decree shall be void to all intents and purposes whatsoever, and the person or persons so serving or executing the same shall be liable to the suit of the party grieved, and to answer damage to him for doing thereof as if they had done the same without any Writ, Process, Warrant, Order, Judgment, or Decree at all.

When Special Bail is not given during the sitting of the Court precisely according to the condition of the Bail Bond, yet Special Bail may be given by recognizance before any of the Justices of the said Court, so that notice be given to the Plaintiff or his Attorney in writing of the names and places of abode of the persons intending to become Special Bail, that the same may be excepted to if the Plaintiff shall think proper, and provided such Bail be given before Judgment is obtained on the Bail Bond, but after process on the Bail Bond the same shall not be discharged without paying full costs on the same : *And provided also*, That if more than one action is brought upon the Bail Bond no more Fees shall be allowed in costs than upon one action, except in cases where the whole cannot be included in one, and the Counsel is obliged, according to the established practice of the Courts of Law at Westminster, to bring two or more actions.

The Plaintiff shall have fourteen days after Bail put in to except to such Bail, and in case of exception the Bail shall justify on Oath in Court or before one of the Justices within four days after notice to him or his Attorney of such exception, and such exception shall be entered in the Secretary's Book under the name of the Bail given.

In all actions where the Plaintiff proceeds by *Capias ad respondendum*, and the Defendant is thereupon arrested, the Bail Bond shall be conditioned for the Defendant's appearance at the next Court to answer the action, and such appearance shall be by putting in Special Bail before the Court, or surrendering the Body of the Defendant, and in default of such appearance the Bail Bond shall be forfeited, and in case of forfeiture of the said Bond the same shall be assigned on demand by the Provost-Marshall to the Plaintiff, his Executors, Administrators, or Assigns, and shall be suable in the name of the Plaintiff, his Executors, Administrators, or Assigns, as Assignee of the Provost-Marshall, and the Court may by Rule give such relief to the Plaintiff or Defendant in the original action, or to the Bail, as shall be agreeable to Justice.

As to Marshal's Return of Process

That the Return of the Provost-Marshal to all Writs of Summons and other process issuing out of the Court, directed to him, shall be indorsed thereon, and shall state the time and the mode of service, and being duly signed by him shall be deemed *prima facie* evidence of the due execution of such process: *Provided*, That in all cases where Judgment shall pass against a Defendant for default of appearance, an Affidavit of the due service of the Writ of Summons and copy of Declaration or account shall be made by the person serving the same, and filed in Court with the proceedings in the cause, except in Complaint actions where such service shall be proved *viva voce*.

No. 168.
15th October, 1860.

CL. XXIV.
Marshal's Return to process.

AS TO ACTIONS ON PENAL BONDS.

In actions on Bonds and Bills penal for payment of less sums of money the Defendant may at any time before trial of the action plead payment thereof generally according to the condition, setting forth the condition by the plea to remain on record, and need not plead that the payment was made precisely at or before the day, and thereupon the Jury shall inquire what is due, and if the same shall be all paid, shall find for the Defendant, and if anything due to inquire and settle what is due distinctly for principal and interest, and in such case Judgment shall go for the Plaintiff for the penalty to remain cautionary for the payment of the whole sum that shall be then due for the principal and interest, with interest as aforesaid upon the whole principal sum then due, from the day of the Verdict until payment, unless a loss or other interest be stipulated in the condition or Bill, in which case the interest to be accordingly; and where Judgment is by Confession, the parties may agree what is due to the day on which the Judgment is entered, and may enter the Judgment for the penalty to remain cautionary for securing the same with interest; and if such Agreement and Judgment by Confession or the Judgment shall go by default, then the sum payable and the days of payment shall be specified in the said Judgment, and the Judgment shall remain cautionary for the same, with interest as aforesaid from the day of payment; but if Judgment by Default or Confession be general, yet if the Execution through any fault or mistake in the Plaintiff's Oath or otherwise as directed by this Act shall issue for more than is due, the Defendant on motion in Court time, may have the sum due settled, by order of the Court, and no more than that sum, interest and costs to be levied for, and in such Judgment for penalties where the Judgment or Execution doth not specify the true sum due, the Plaintiff shall cause it to be indorsed on the Execution, or in default thereof, if more than due be levied, the levy fees for the surplus shall be paid by the Plaintiff, and if on such motion restitution of what is levied for more than due shall be awarded, a Judge out of Court time may inquire of it in his Chambers, and may by Order stay the surplus in the Marshal's hands until the Court shall meet and further order, and a summons shall go to require the Plaintiff's attendance on the Judge, and if no attendance the Judge may proceed without further summons.

In all actions upon Bonds, or for any penalty for nonperformance of Covenants or Agreements in any Indenture, Deed, or Writing contained, the Plaintiff may assign as many breaches as he shall think fit, and the Jury upon the trial shall and may assess damages for such of the said breaches so to be assigned as the Plaintiff shall prove to have been made, and Judgment shall be entered accordingly on such Verdict; and if a Judgment shall be given for the Plaintiff on a Demurrer, or by Confession or Default, the Plaintiff upon the Roll may suggest as many breaches of the Covenants and Agreements as he shall think fit, upon which shall issue a Writ of Summons to be formed for that purpose, reciting the Judgment and breaches briefly, and requiring the Defendant to appear at the next Court to attend the assessing damages on the several breaches, at which Court the Jury shall inquire of and assess damages; and if the Defendant attends he may examine witnesses concerning the breaches, on his own behalf, and if he make default to attend the same shall be inquired of by the Jury at the same next Court without delay, and such Summons shall be served by the Marshal in the same manner as a Writ of Summons with a Declaration; and

Penal Bonds.

CL. XXV.
In actions on Bond or Contract, where the penalty is more than the sum actually due, Judgment is to be given for the penalty to remain cautionary for the sum due.

If more levied than due, restitution shall be made.

CL. XXVI.
In Actions on Bonds and Breach of Covenant, &c., Plaintiff may suggest as many breaches as he pleases

No. 168.
15th October, 1860.

in case the Defendant, after such Judgment entered and before any Execution executed, shall pay into Court where the action shall be brought to the use of Plaintiff, or his Executors or Administrators, such damage so assessed by reason of all or any breaches of such covenants, together with the costs of suit and stay of Execution, if the said Judgment shall be entered upon record, or if by reason of any Execution issued the Plaintiff or his Executors or Administrators shall be fully paid or satisfied all such damages so to be assessed, together with his, her, or their costs of suit, and all reasonable charges and expenses for executing the said Execution, the body, lands, or goods of the Defendant shall be thereupon forthwith discharged from the said Execution, which shall be likewise entered upon Record; but notwithstanding in each case such Judgment shall remain continue and be as further security to answer to the Plaintiff, his Executors, or Administrators, such damages as shall or may be sustained for further breach or breaches of any Covenant or Covenants in the same Indenture, Deed, or Writing contained, upon which the Plaintiff may have a Rule upon the said Judgment against the Defendant, or against his Heirs, *Tenants*, or his Executors or Administrators suggesting other breaches of the said Covenants or Agreements, to show cause why Execution shall not be had or awarded upon the said Judgment; upon which there shall be the like proceedings as upon assessing damages on the first breach, and that [on] payment or satisfaction in manner as aforesaid of such future [? further] costs and damages and charges as aforesaid all further proceedings on the said Judgment are again to be stayed, and so *toties quoties* as often as any breach shall be made.

CL. XXVII.
Payment after Judgment may be pleaded to a *Scire Facias*.

How payments shall be applied.

Payment after Judgment shall and may be pleadable to a *Scire Facias* or action of debt on a Judgment, and the Jury shall inquire and settle what is due, if the Defendant plead such Plea; and where there is money due from the Defendant to the Plaintiff, both on Bond and Specialty and on Simple Contract and Specialty, the Defendant may plead that payments have been made generally, and such payments shall be adjudged and allowed, and shall be applied as follows, *viz.*:—First, towards the Simple Contract as far as necessary to discharge the same, but if there be no Simple Contract, it shall be allowed as payment, first towards the Bond or Specialty, and if there be a Judgment also, the last application shall be towards such Judgment, unless there be a receipt or discharge in writing specifying it expressly to be towards the Bond or towards the Judgment, or that there was no Simple Contract or Specialty due at the time such payment was made whereto the application might be made.

Promissory Notes.

CL. XXVIII.
Promissory Notes may be recoverable though not expressed for value received, and legal interest after payment demanded.

AS TO PROMISSORY NOTES AND DAMAGES.

All notes called Promissory Notes heretofore given or hereafter to be given payable to any person shall and may be recovered and sued for with full effect, though no consideration expressed in them for value received or otherwise, or if expressed for a value received, and if made payable to Drawer or Order, then shall be assignable, indorsable, negotiable, and suable by, for, or against Drawer or Drawee, Endorser or Endorsee, as the case may be, as if they were Inland Bills drawn according to the Custom of Merchants, and after demand and refusal to pay lawful interest shall be allowed by a Jury against the Drawer or Endorser neglecting or refusing to pay the same from the time of such demand.

Protested Bills.

CL. XXIX.
Holders of protested Bills to recover six per cent. interest, and six per cent. damages. Action on Contracts.

AS TO PROTESTED BILLS OF EXCHANGE.

Where any Bill or Bills of Exchange hath been or shall be returned legally protested out of this Government, to the prejudice of any Merchant, Trader or other person, it shall and may be lawful to and for the holder thereof to recover interest after the rate of six per cent. per annum, on the same, besides the principal money, and also damages after the rate of six per cent. upon the principal sum only, and the interest to be computed from the day of the protest of the said Bill for nonpayment until the day the Jury shall find their verdict; and the principal sum for which the said Bill was given shall carry interest at the rate of six per cent. until the Plaintiff shall

be paid his debt and costs, and in case of nonpayment shall be recovered in an action of *Assumpsit*.

AS TO ACTIONS ON CONTRACTS MADE OUT OF GOVERNMENT.

Where any suit shall be brought by any person whomsoever upon any Contract made out of this Government, the Jury shall allow interest agreeable to the Contract, if interest thereon [be] lawfully made payable in the Contract, and if not, then shall allow five per cent. from the day of payment if the money was advanced or payable out of this Government, and in case of any moneys being hereinafter advanced within this Government, and no interest made payable in the Contract, yet interest shall be allowed thereon from the day such moneys shall be made payable by such Contract, and where the creditor does not reside within this Government, but doth actually pay factorage for receiving or remitting the debt advanced or contracted for as aforesaid, the Jury shall consider and allow in damage against the Defendant at the rate of two and a half per cent. for such Factorage, but the Jury shall find what is due for Principal distinctly, and settle the interest separately, to the day of their Verdict, and shall state the damages separately; and Judgment shall be entered for the whole sum, together also with growing interest on the Principal sum only according to the rate the Jury allowed interest, which shall run until paid besides costs of suit.

JURY, PROCESS, AND TRIAL.

Seven days at the least before the day appointed for holding the said Courts, a general *Venire Facias* shall be issued by the Secretary of the Court for assembling a Jury at any such Court for the Trial of Causes and inquiry of damages, unless the Chief Justice of any Assistant Justice of the said Court shall by order under his hand otherwise direct in the event of their being no issue for trial or assessment to be had at any such Court; and such *Venire Facias* shall be directed to the Provost-Marshal to summon Thirty Freeholders or other persons as hereinafter described to serve as Jurors to appear at any such Court and serve as Jurors thereat; which *Venire* shall be issued so timely that every Juror shall be summoned four days before the day his appearance is required, and the summons shall be in the form set forth in Schedule B to this Act annexed, marked with the number 3, and shall be served personally or left at the Jurors' usual place of abode.

Issues in fact shall be tried and determined, and Assessment of damages shall (except in the cases hereby otherwise provided for) be had and made before the said Court by Juries of twelve honest and lawful men duly empannelled and sworn to try and assess the same, in such manner and form as the Court shall direct.

The Provost-Marshal shall annually, after the present year, one thousand eight hundred and sixty, cause to be written alphabetically the names of all Freeholders resident, Trading Merchants, and their principal Clerks, Leases, Managers, and principal Overseers upon estates, and Master Tradesmen, who shall be qualified to serve as Jurors for the trial of causes in the said Court, and shall lodge such names so written with the Secretary of the Court between the first day of February and the first day of March in every year, who shall lay the same before the Court to be held for the month of March for correction and approval, and when corrected and approved the same shall be deemed the Jury List until the next annual List shall be corrected and approved by the said Court in manner aforesaid; and the Secretary shall from such List insert in the *Venire Facias* the names of the persons to be summoned as Jurors, according to the order in which they shall be inserted in such List, beginning with the name next after the name of the person who shall have last served on a Jury, and proceeding to and taking the name next in such List alphabetically, and so on, *toties quoties*, until he shall have completed the Panel, and so and in such manner that every person whose name shall be included in the said List shall have been summoned in his turn to serve as a Juror at one or other of the Courts in the year: *Provided always*, That nothing herein contained shall deprive any person of his just Challenge to Jurors, or the Court of the power of ordering Special Juries.

No. 168.
15th October, 1860.

Action on Contracts.

CL. XXX.
Where suit brought upon any Contract, Jury shall settle the rate of Exchange, &c.

Jury, Process, and Trial.

CL. XXXI.
Venire for trial of causes to issue seven days before the Court day, unless the Justices order to the contrary.

Jurors how summoned.

CL. XXXII.
Issues in fact to be tried by a Jury.

CL. XXXIII.
Names of persons qualified to serve as Jurors, to be lodged by Marshal with Secretary.

Proviso.
As to right of challenge, or the Court ordering Special Juries.

No. 168.
15th October, 1860.

CL. XXXIV.
Juries to be summoned
previously to prepared
List.

And in order to make provision for the summoning of Jurors to attend at the Courts to be held prior to the preparation and approval of the Jury List to be laid before the said Court between the first day of January and the first day of March, one thousand eight hundred and sixty, the Secretary shall seven days before the holding of any such Court issue the general *Venire* for assembling a Jury at such Court for the trial of causes and Assessment of damages (if necessary) to be directed to the Provost-Marshall, to summon Thirty Freeholders and other persons competent to serve as Jurors in the Supreme Court of Judicature under and by virtue of the return last made to the last-mentioned Court by the Provost-Marshall of persons qualified to serve as Jurors at any such Court before the coming into operation of this Act.

CL. XXXV.
Judgment on Verdict
to be signed ten days
after.

After Verdict given, or Assessment of damages had, ten days shall be allowed for notice of motion for a New Trial, or arrest of Judgment, and at the expiration of that time the party in whose favour the Verdict or Assessment may be shall, in default of such notice, be at liberty to sign Judgment.

CL. XXXVI.
Directions as to
Special Verdicts.

All Verdicts of Juries shall be delivered in writing, and where any Special Verdict is found in any cause one Counsel for the Plaintiff and another for the Defendant shall draw up the notes of Special Verdict in Court, and sign the same, and if the Counsel of either party refuse to draw or sign the same verdict, the same shall be drawn up *ex parte*, and the Court shall settle the same upon the facts found by the Jury; and if any special matter shall arise, and the Court direct the Jury to find specially, the Jury is hereby required to find specially, and such directions shall be entered in the Secretary's Books.

CL. XXXVII.
Jurors summoned and
not attending.

In case any Juror shall make default in appearing, proof being made upon Oath of his having been duly summoned, and failing to make a just and reasonable excuse for his absence to the satisfaction of the Court, such Juror shall forfeit to the public uses of this Government a fine or sum of money not exceeding Two Pounds, for which an attachment shall issue against the body of the person so failing to appear, and he shall be imprisoned until he shall pay the said fine with the fees of commitment, and so *toties quoties* as he shall make default upon any new Summons until he shall serve as a Juror, and for want of a full Jury of twelve men in any cause to be tried or damages to be assessed such Juries may be made up of the standers by, inhabitants of these Islands, to be returned instantly by the Provost-Marshall on a motion for a *Tales* by either party in any cause pending before the Court.

How fined.

Witnesses.

AS TO SUMMONING OF WITNESSES.

CL. XXXVIII.
Summoned not attend-
ing.

And for compelling the appearance of Witnesses to give evidence in a cause, a writ of subpoena shall issue from the Secretary's Office expressing the cause in which their evidence is required, and shall be served by the party suing out the same, his Attorney or Agent, four days before the day of attendance, by delivering a copy and showing the original to any such Witness without any tender or payment of charges; and if the Witness shall not attend (not being sick or otherwise disabled), on due proof of the service of the subpoena the Justices of the Court then sitting may impose a fine not exceeding Twenty Pounds, at the discretion of the Court, upon such Witness so subpoenaed and making default, to be applied to the public uses of this Government, for which fine the Justices shall award an attachment against the body of such Witness, who shall be imprisoned until payment be made of the said sum: and further each Witness so subpoenaed and making default shall pay such damages to the party [ag] grieved as the Court shall adjudge, and judgment and execution shall be awarded thereon: *Provided always*, That, before any such fine be enforced a Rule shall be made by the Court as of course, and be served on such Witness calling upon him to show cause within a time to be mentioned therein why the fine imposed should not be enforced against him.

How fined.

Proviso.

CL. XXXIX.
Witnesses to be al-
lowed their expenses.

The Court may allow a Witness his expenses, to be paid by the party who summoned him in such manner as shall be adjudged by the Court if required in Open Court, which shall be allowed in costs; and in case the evi-

dence of any Witness who shall not attend, having been duly subpoenaed, shall appear to the Court, upon Oath, to be material in the cause depending the Court is hereby required to adjourn the hearing of the cause until the next Court following, in case the party for whom such Witness shall have appeared should desire the same, and such party shall pay to the other party the costs of the day, to be settled by the Court or a Judge in case the parties differ.

AS TO DEPOSITIONS OF WITNESSES, &c.

In case any Witness in any cause depending in the said Court shall be about to depart from this Government, or shall be aged or extremely sick, lame, or otherwise disabled from attending upon the trial of such cause, the Plaintiff or Defendant shall be at liberty to apply by Petition to a Judge at Chambers for an Order for the examination of any such Witness, and thereupon a subpoena *ad testificandum*, signed by the Judge making the Order directed to such Witness shall issue in the cause, specifying the time and place of examination, and shall be served on such Witness twenty-four hours before the time fixed therein for his appearance; and the Deposition or Depositions of such Witness taken upon oath before the Chief Judge or any Judge of the said Court in this Island, or before any of Her Majesty's Justices of the Peace in the Islands of Bequia and such other the Grenadines as lie to the northward of Carriacou in America, in the presence of the parties to such cause, their Counsel or Attorneys or either of them, where the other party shall make default after due summons as hereinafter directed, shall be held, taken, and esteemed good and sufficient evidence in Law in that cause or any other suit or proceedings for the same cause between the same parties, their heirs, executors, administrators, or assigns; and the same deposition shall be recorded, after it is produced in Court, in the Secretary's Office of this Island among the proceedings in that cause at the expense of the party producing it, and a copy of that record shall be equal to the original, so as the same be proved on oath to be a true copy and examined with the record thereof, and so as oath be made that the said Witness is dead or absent from the Government, or otherwise disabled from attending the Court, before such deposition shall be read; and in case any such Witness shall make default, not being extremely sick or otherwise disabled, then such Witness shall, upon affidavit made of the service of the Summons upon him, be subject to the same fine as hereinbefore is given against a Witness neglecting or refusing to attend to give evidence in Court.

Where any person hath reason to believe that any action will be brought against him, such person may examine any Witness going out of this Government, or who may be extremely aged or sick, in the same manner as any Plaintiff or Defendant is hereby empowered to examine any such Witness where an Action is commenced, and the like Summons shall issue, and the like proceedings shall be thereon had as are hereinbefore directed touching the examination of Witnesses going out of this Government where any action is commenced; and the Deposition or Depositions of such Witness shall be returned into the Secretary's Office in the same manner, and be there filed and be of the same force and effect as the Depositions of Witnesses going out of this Government, aged or sick, taken in any action actually commenced; and perjury in such Deposition or Depositions shall be punished in the same manner as Perjury in Depositions of Witnesses going out of this Government taken in any action actually commenced is punishable; and the Witness who is summoned to give his testimony where no action is depending, and shall not attend, shall be subject to the same Fine that Witnesses are made subject and liable to for neglecting or refusing to attend to give evidence in Court: And where any impediment shall prevent a Plaintiff from commencing his action immediately, the benefit and advantage hereinbefore intended for Defendants shall extend to such Plaintiff, so always as such Plaintiff commence his action as soon as he lawfully may, otherwise such evidence not to be admitted: *And provided always*, That notice of the intended examination of such Witness, and of the time and place appointed for the same, be given by the party at whose instance the examination is to be

No. 168.
15th October, 1860.

In case of non-attendance, cause may be adjourned.

Depositions of Witnesses.

CL. XL.
Depositions of persons about to leave the Island, or of those aged and infirm, good in law.

CL. XLI.
Such depositions may be taken before Action commenced.

Plaintiff, if he bring his action as soon as he can, but not otherwise [to have the same advantage].

Proviso.

No. 168.
15th October, 1860.

CL. XLII.
Depositions may be taken in absence of adverse party's Counsel, if duly summoned.

had to the other party at least twenty-four hours before the time fixed for the examination.

In case there be neglect of attendance on behalf of the Plaintiff or Defendant after the parties or their Counsel have been personally served twenty-four hours before the attendance required with a copy and sight of an original Summons, signed by the Chief Justice or any one of the Justices of the said Court, specifying the cause, with the day, hour, and place of examination and the Witnesses' names, or if the parties or either of them or their Counsel shall be absent, the service to be by leaving a copy of the Summons at the house or place of business of either of them, and such service being proved on Oath, such Deposition or Depositions may nevertheless be taken in his or their absence, and allowed to be good and sufficient testimony as last above mentioned, any former law, usage, or custom, to the contrary notwithstanding; and the Judge who takes such depositions shall immediately deliver the same, sealed and endorsed, into the Secretary's Office, which shall be filed by the Secretary with the Pleadings in the Cause in which such Deposition or Depositions shall be taken; and the Judge before whom such Deposition or Depositions shall be taken shall certify thereon whether both parties attended, or any person for them or either of them, and if either party made default whether proof of the service of the Summons was made on such party as aforesaid.

CL. XLIII.
Examination of Witnesses out of the jurisdiction, may be taken by Commission.

That for the Examination of Witnesses in any cause depending in the said Court when such Witnesses shall reside out of the jurisdiction of the Court, *It is hereby declared*, That the said Court and the Justices thereof and every of them, shall have and exercise and be invested with the same powers and authorities in this Colony, and in reference to all actions pending in the Court hereby established, and for the Examination of Witnesses in any place out of this Government, as the Superior Courts at Westminster and the Judges thereof now have and exercise, or may hereafter have and exercise in reference to the Examination of Witnesses in causes there depending where such Witnesses are out of the jurisdiction, whether such powers or authorities are conferred or exercised by virtue of any Statute or otherwise: And the said Court hereby established and the Justices thereof shall and may issue all necessary Commissions, and give all necessary authority for such Examination accordingly, and as near as can be to the forms and proceedings adopted by the Superior Courts at Westminster in the like cases: And the Examination of all Witnesses had and taken under any Commission or proceedings as aforesaid shall be subject to such and the like Rules as to admission in [of] evidence and otherwise as the same would be subject to if had and taken under the authority of the Superior Courts at Westminster in actions there depending, and to such other Rules and Regulations as shall or may be made by the Justices of the said Court hereby established under the authority of this Act.

AS TO JUDGMENTS BY DEFAULT OR OTHERWISE.

CL. XLIV.
Defendant to appear, plead, or demur, 21 days before second Court.

A Defendant who has been served with process as aforesaid shall appear and plead or demur twenty-one days at least before the second Court after the commencement of the Action, and give notice of filing his Plea or Demurrer to the Plaintiff or his Attorney, otherwise the Plaintiff shall be entitled to sign Judgment by *nihil dicit* on the morning after the day on which the time for pleading expired, which Judgment may be in the form set forth in Schedule 2, marked with the letter B, and no Rule to plead shall be necessary.

Rule to plead not necessary.

CL. XLV.
Service of Process to be proved by Affidavit, in case of Judgment by default.

That before any Judgment shall be signed in default of appearance proof shall be made on Oath of the due service on the Defendant of the Summons and copy of Declaration by the person by whom the service was made, and such Affidavit shall set forth the mode of service, and the time when the same was made.

CL. XLVI.
Time for filing Replication, &c.

When the Defendant pleads or demurs to the Declaration, the Plaintiff shall demur, reply or join in Demurrer within six days after Plea or Demurrer of the Defendant filed, and give notice thereof within twelve hours of filing the same: And the Defendant shall rejoin within three days after

such notice served unless the Court or a Judge shall think fit to enlarge the time for pleading.

That in all cases where an Action shall be continued by leave of the Court, on motion to a Court, subsequent to that at which it should have stood for trial under the provisions of this Act, it shall not be necessary to enter any such Continuance in the pleadings or on the Judgment Roll, but such Continuance shall be noted by the Secretary in the Minute Book of the Court.

No Action, Suit, or Process shall be abated or discontinued, or put off without day, by the nonattendance of the Justices or some one Justice of the Court, but the Judge or Judges may at any time or times, as there shall be occasion, meet again and continue the same to any day, and enter such Continuance as though it had been on the day on which they first should have met pursuant to this Act, or last adjournment.

In all cases where Judgment shall go by default or on Demurrer, the Court or any Justice thereof at Chambers may on the application of the Plaintiff make an Order that the Secretary shall compute the amount of Principal and Interest due on the Bond, Bill, or Note, Award, or Covenant, on which the action was brought, according to the mode of proceedings observed in the Courts of Common Law at Westminster, and thereupon the costs shall be taxed and final Judgment be given: But when the computation of damages is not a mere matter of calculation the Plaintiff shall make proof of his demand, and the same shall be inquired of and assessed without further notice by a Jury at the second Court after the commencement of the action, unless the Court shall otherwise order, upon which inquiry and assessment Judgment shall be immediately given unless otherwise ordered by the Court.

Where any Judgment shall be entered upon Confession, *Nihil dicit* or *Non sum informatus*, the Attorney who confesses such Judgment shall leave his Warrant of Attorney in the Secretary's Office, in order to have the same recorded at the time he confesses such Judgment, or in default thereof, or in case it shall appear from such Warrant of Attorney that such Judgment was irregularly confessed, such Judgment and the execution, if any, issued thereon shall be of no force, virtue, or effect whatever, any Law, Usage, or Custom to the contrary notwithstanding; and the Secretary is hereby required to give an acknowledgment in writing, signed with his hand, of the receipt of such Warrant of Attorney, mentioning particularly as near as may be the day, hour, and minute he received the same; and the Secretary is hereby further directed, with all convenient speed, to record the said Warrant of Attorney in his books to be kept for that purpose, and the fees of the said Secretary shall be paid by the Plaintiff and be allowed in costs.

Whenever any Plaintiff shall enter up Final Judgment, except in the cases hereinafter excepted, he shall, or in his absence from the Government his Attorney or Agent shall at the same time file an Affidavit of the sum due on such Judgment, and such Judgment shall not bind any property but from the time of filing such Affidavit: *Provided*, That no such Affidavit shall be necessary where a Judgment shall be entered on Verdict or Assessment of damages by a Jury if entered up within thirty-one days after the date of the Verdict or Assessment of damages.

The Secretary shall keep a Book, separate from all other Books, to be called a Docket Book of Judgments, which shall be kept alphabetically and with a double alphabet, after the following manner, *viz.*:—A naming the Defendant's Surname first, then his Christian name, at the suit of B, naming the Plaintiff's Surname, then his Christian name; and the other alphabet to begin with the Plaintiff's Surname, then his Christian name, against the Defendant, naming his Surname, then his Christian name after it, and an express reference to the Folio of the Book of Judgment is in, that all persons may know how to search for Judgments; and if the Secretary shall fail to keep such Book he shall be finable by this Court, or any Court of Record in this Island, for a Contempt, in the sum of Twenty Pounds, and so for every Calendar month he shall fail to keep such Docket Book he may be fined anew; and all persons shall have free access to inspect and examine

No. 168.
15th October, 1860.

CL. XLVII.
Continuance to be noted by Secretary.

CL. XLVIII.
No Suit to be delayed by absence of Justices, but Continuances to be marked by any Justice, and to be considered as on the day they first should have met.

CL. XLIX.
When Judgment by default, damages to be assessed by the Secretary of the Court.

CL. I.
Attorney Confessing Judgment to leave his Warrant of Attorney with Secretary, with further directions respecting the same.

CL. LI.
Affidavit of sum due to be filed with Judgment.

Exception.

CL. LII.
Secretary to keep an alphabetical Docket Book of all Judgments obtained in Court, to be open for the inspection of every person on paying for each search.

No. 168.
15th October, 1860.

the same at all office hours, paying Fourpence for each search or inspection.

Proof of Powers, Wills, &c.

AS TO PROOF OF POWERS OF ATTORNEY, AND PROBATE OF WILLS.

CL. LIII.
Powers, and Letters of Attorney, proved on Oath, to be admitted in Evidence, and if concerning Land to be duly recorded.

Conveyances and Deeds, and also Letters of Attorney, Procurations or other Powers in writing, which shall hereafter be made in places out of these Islands, or Accounts of Debts, Bills, Bonds, Notes, Contracts, or other Securities or Sureties due to persons residing in any place out of this Government, shall at any time after the publication of this Act be produced in any Court of Justice within this Island, with a Deposition or Declaration according to Law proving the same, sworn or declared to before any Mayor, or Chief Officer of any City or Town Corporate, and attested under the Public Seal of such City or Town Corporate, or under the hand and Public Seal of any Chief Governor, or Chief Magistrate, Lieutenant-Governor, or President of the Council, or Chief Justice of any British Colony, or before a Notary Public, or British Consul or Vice-Consul in any Foreign Country, and annexed to the thing proved, shall be deemed, adjudged, and taken as sufficient evidence in Law and Equity as if the witnesses therein named, and having subscribed the same, were personally present and made such proof *vivâ voce*; provided such Deeds when concerning Lands and Tenements, be in all respects duly recorded in the Register's Office of this Island.

CL. LIV.
Probate of Wills, *primâ facie*, good Evidence.

Proof in the common form of Wills, under the Seal of any Court for Probate of Wills in Her Majesty's dominions, shall be allowed and taken *primâ facie* as good proof of such Wills both in Law and Equity, to prove real and personal devises and bequests; such Wills and Probate being first recorded in the Register's Office of this Island; saving always the rights of all and every person to invalidate, disprove, or set aside the same Wills for lawful or equitable causes.

CL. LV.
Suits prosecuted in the names of Plaintiff off the Island, their Powers of Attorney, to be produced in Court.

For the better prevention of litigious suits, and for the better securing costs where any Plaintiff is out of this Government, and that such suits may not be prosecuted in the names of persons without their authority, a Power of Attorney duly proved shall be produced in Court, if required, before the cause shall proceed to trial, or judgment [to] be given therein, and the person or persons who act by such Power of Attorney, or shall be therein named as Attorney or Attorneys, shall be answerable for costs, and they or one of them shall before trial or Judgment enter into a Rule of Court for that purpose, personally or by [his] Counsel: *Provided nevertheless*, That all Foreign Powers of Attorney duly authenticated under Notarial Seal shall be admitted without further proof.

Attorneys answerable for costs.

Foreign Powers of Attorney admitted.

Executions.

AS TO EXECUTIONS AND PROCEEDINGS SUBSEQUENT.

CL. LVI.
Plaintiffs may take out Execution as soon as Judgment obtained.

As soon as Final Judgment is obtained the Plaintiff may take out Execution, which shall issue in the Queen's name, and bear *teste* in the name of the Chief Justice, or in case of his death or absence in the name of the next senior Justice, and shall be signed by the Secretary, in the form set forth in the Schedule B, and numbered 4; upon which Execution in case of Penalty, and less sums due, then levy only to be made for such less sums as are specified in the body of the Execution, or sworn to in the affidavit thereto annexed, with interest, if any, and the costs taxed with subsequent costs of Execution; and no fees of levy in any case to be paid for any more than the Plaintiff shall actually receive or be paid of his demand after such Execution delivered to the Marshal and actually levied, which Execution shall be executed by the said Marshal in the manner following, *viz.*:—In the first place, on the Cotton, Indigo, Ginger, Sugar, Molasses and Rum, Coffee and Cocoa, or any other the merchandise of the growth and manufacture of these Islands, being the Goods and Chattels of the Defendant; and for want of such goods and chattels sufficient to satisfy the same Judgment, then the Marshal is to levy the same on the other goods and Household Furniture of the Defendant; and for want of such goods and chattels to satisfy the same Judgment, then on the Cattle and other Live Stock, and such Plantation Utensils of the Defendant as are not affixed to the Freehold; and for want of such goods and chattels sufficient to satisfy the same Judgment, then

Form of Execution.

Directions as to levying.

upon such sufficient part of the Lands, Tenements, and Hereditaments of the Defendant as shall be shown unto him by the said Defendant, if he thinks fit to attend, but in case he shall neglect or refuse to be present, the said Marshal is to levy on such parts of the Lands, Tenements, and Hereditaments of the Defendant as shall be sufficient to satisfy the debt, with costs, and least detrimental to the Defendant, to whom he is first to give at least seven days' notice in writing, either in person or by leaving the same at his place of abode, of the time when he intends to make the Levy on his Lands or Tenements only, which when the Marshal has levied on he is to dispose of in such manner and form as is hereinafter directed and appointed; and for want of such Lands, Tenements, and Hereditaments, then to levy the same on the Rent-charges or Annuities of the Defendant by leaving a copy of the Execution with the person liable to pay the same, his Attorney, Agent, or Guardian, with an endorsement thereon under his hand importing the Levy and the day it was made, which shall be likewise endorsed on the original Execution, or annexed in writing to it, if not room to endorse it, after which the same Annuity or Rent-charge shall become payable to the Plaintiff, his Executors, Administrators, or Assigns, as they were to such Defendant, his Heirs, Executors, or Administrators, and shall be liable in the hands of the purchasers, from the time of the entry of the Judgment, as Lands are hereby liable against Purchasers to the sum which shall be due by the Judgment, and in case any Defendants shall refuse or neglect to show or produce to the Provost-Marshal any Goods, Chattels, Lands, Tenements, Hereditaments, Rent-charges or Annuities to be levied on, sufficient to pay the Plaintiff, then and in such case the Provost-Marshal shall take the body of Defendant in Execution.

Whenever a Plaintiff shall take out an Execution for a sum greater than that actually due, or where a Plaintiff shall have stayed proceedings on his Execution and subsequently proceedings are ordered thereon, every such Plaintiff shall before any Levy shall be made, lodge with the Marshal an Affidavit of the sum actually due, sworn to before a Judge of the said Court.

Whenever any Plaintiff shall take out Execution, and shall lodge such Execution with the Marshal, every such Plaintiff shall, except in the cases hereinafter excepted, deliver to the Marshal, with the said Execution, an Affidavit of what is *bonâ fide* due to him sworn to before any one of the Justices of the said Court if such Plaintiff shall be present in this Island, or some other person in case of sickness or absence of such Plaintiff, such sickness or absence to be sworn to before the said Justice; and if such Affidavit be sworn to by any other person except the Plaintiff, or where the Plaintiff is executor or administrator, or where such Plaintiff cannot from the nature of the transaction know of his own knowledge what is due upon such Execution, then such Affidavit to be according to the best of the knowledge and belief of such Deponent, which Affidavit shall remain in the hands of the Marshal, and the sum only sworn to shall be entered in his Book of Executions, and the Marshal is hereby ordered and required not to receive any Executions unless such Affidavit is delivered therewith.

And whereas numerous Writs of Execution have been issued from the Office of the Secretary and not lodged in the Marshal's Office but retained in the hands of the Plaintiffs, many of which there is reason to believe have been satisfied in whole or in part: *Be it therefore enacted*, That, after the coming into operation of this Act, every such Writ of Execution shall, unless lodged with the Provost-Marshal within six months of the coming into operation of this Act, be of no further force or effect; and the Provost-Marshal shall not receive nor act on any such Writ of Execution unless there be lodged with such Execution an Affidavit of the sum due thereon, sworn before one of the Justices of the said Court on a day subsequent to the coming into operation of this Act.

The Provost-Marshal shall make a Return to every Writ of Execution lodged with him on which proceedings shall have been had, as follows: In case *nulla bona*, or *non est inventus* returned, or a Levy on the Goods and Chattels, such Return shall be made within Thirty days after Levy ordered,

No. 168.
15th October, 1860.

sup. cl. 82

CL. LVII.
Affidavit of sum due to be lodged with the Provost-Marshal, in case Execution be for a Penalty or there has been a stay of Proceedings.

CL. LVIII.
Plaintiff to deliver to the Marshal with Execution, an Affidavit of what is *bonâ fide* due.

CL. LIX.
Execution issued and not lodged, void after six months.

CL. LX.
Return by Provost-Marshal of Writs of Execution.

No. 168.
15th October, 1860.

CL. LXI.
Executions against
Executors or Admin-
istrators.

and in case of Levy on Lands within sixty days ; which Returns respectively the Provost-Marshall shall make in writing and file in the Office of the Secretary within the respective times aforesaid ; and the said Provost-Marshall shall further on the return day of every Writ of Execution return the same into the Office of the Secretary of the Court, with the particulars of the proceedings had thereunder, if any, and if none then certifying the cause thereof.

That when Executions are against Executors or Administrators upon Judgment on the Goods of any Testator or Intestate, the Writ of Execution shall specify it and be altered accordingly, and in case Judgment shall be awarded against Executors or Administrators to be levied on their proper Estate, there shall and may be proper Executions formed to be levied on their proper goods, chattels, lands, tenements, hereditaments, rent-charges, annuities, and debts, to be sold and disposed of as in common cases against other persons, and against the body as the case shall require ; the forms and proceedings upon such Executions, and the Returns of waste by Executors or Administrators, to be agreeable as near as may be to the Laws and Practices of Great Britain ; and nothing in this Act shall be deemed, construed, or taken to affect the proper goods and chattels, lands or tenements, or the person or persons of any Executors or Administrators, further or otherwise than the same may be bound or affected by the Laws of England.

CL. LXII.
Executions against
Heirs or Devises.

That in case where Judgments are against Heirs or Devises of particular assets the Execution shall pursue the Judgment, and be altered by the Secretary accordingly and be made applicable to each respective case ; and in case of any difficulty, the same shall be settled by the Chief Justice or person acting as such in his absence, on the application of the party suing out the same.

CL. LXIII.
Executions now stand-
ing, 20 years old—
void.

And whereas there are numerous old Executions now standing open in the Office of the Provost-Marshall, and also issued from the Secretary's Office though not lodged in the Marshal's Office, bearing date upwards of twenty years back, and it is expedient to remove all doubts concerning the same : *Be it therefore enacted*, That all Executions appearing open and unsatisfied in the Marshal's Office at the time of the coming into operation of this Act, and all Executions already issued which bear date upwards of twenty years before the day on which this Act shall come into operation, are hereby declared to be of no further force, validity, or effect : *Provided always*, That nothing herein contained shall be construed to hinder or prevent the Plaintiff in any such Execution, if any sum of money shall actually remain due on the Judgment obtained by him, from obtaining Execution for the same by *Scire facias*.

CL. LXIV.
Execution to bind
goods and chattels,
from time of lodging.

And whereas by the long established practice of this Colony, as hitherto authorized by Law, a Writ of Execution could be sued out by a Plaintiff and lodged with the Provost-Marshall for Execution, or with a Stay of Proceedings, either before or after the return day thereof, and by the Law as heretofore existing such Writ continued valid and subsisting until fully satisfied, and bound the property in the goods and chattels of the Defendant from the date of such Writ, though not lodged with the Provost-Marshall : *Be it enacted*, That from and after the day of the coming into operation of this Act no Writ of Execution shall bind the property in goods and chattels but from the time of its being lodged with the Provost-Marshall ; and all

Priority of Execution.

Writs of Execution shall take priority in respect of goods and chattels according to the order in which they shall be lodged with the Marshal, notwithstanding the respective dates thereof ; and the Provost-Marshall shall proceed to levy every Writ of Execution so soon as the same is lodged unless the Plaintiff shall desire and direct otherwise, but if the Plaintiff shall not wish to proceed on such Writ he shall at the time of lodging the same with the Provost-Marshall give an Order in writing under his hand, or that of his Attorney, to stay the proceedings in such Writ ; and in making his return to or returning such Writ the Provost-Marshall shall return that proceedings have been stayed thereon as aforesaid.

Marshal to levy.

Stay of Proceedings.

CL. LXV.
Writs of Execution may be
proceeded on, after Return
into the Secretary's Office.

The Provost-Marshall, if so directed by note in writing under the hand of the Plaintiff or his Attorney, shall proceed on all Writs of Execution

lodged in his Office, notwithstanding such Writs may have been returned to the Secretary's Office, until full satisfaction shall have been entered for the principal amount with the Interest and costs due thereon, and the Marshal shall endorse thereon the day of the date on which the same was lodged and file the same in his Office; and for this purpose a copy of the Executions made and certified by the Secretary shall be a sufficient Warrant for the Marshal to proceed to levy for so much as may then be due, in the same manner as if the original Writ of Execution had not been returned, and shall have the same force and effect as the original Writ for the like period of twelve months.

That whenever there shall be more Writs of Execution than one against the same Defendant lodged in the Marshal's Office, and any one Execution Creditor shall order his Writ to be levied, the Marshal shall in such case proceed to levy as well the Writ directed to be levied as also all prior Writs lodged in his Office against the same Defendant, notwithstanding proceedings may have been stayed thereon, unless he shall be directed to the contrary by a note in writing under the hand of the Plaintiff in any prior Writ or his Attorney, in which case the Provost-Marshal shall abstain from levying any and every such prior Writ as last aforesaid; and a Plaintiff who shall have stayed the Execution of his Writ as last aforesaid shall not be entitled to share in or take any part of the proceeds of the Levy made by the Provost-Marshal, but shall not in any other respect be prejudiced as to his priority in any future levy; and the proceeds of every Levy made by the Provost-Marshal on goods, chattels, and personal estate shall in all cases be paid to the several Creditors by Execution whose writs shall have been levied in due order of priority; and whenever in any such case as aforesaid the body of the Debtor shall be taken, it shall be deemed a satisfaction only on such Executions as were ordered to be levied, and an Execution Creditor whose Writ was not so ordered to be levied shall not be liable to contribute to the support of the imprisoned Debtor.

Where proceedings subsequent to the first Return shall have taken place the Provost-Marshal shall in every such case make an entry into the Book of Execution, under the entry of the original Execution, showing the date of the subsequent copy or certificate of Execution issued, and the proceedings had thereon.

That the Provost-Marshal shall, if so required, give to every person lodging a Writ of Execution in his Office a receipt in writing for the same, stating the day and time when the same was lodged, under a penalty of Five Pounds for every neglect or refusal.

When any person shall be in the actual custody of the Marshal for the nonpayment of any Fine of any description whatsoever, or in pursuance of any sentence of imprisonment or any commitment by a Justice of the Peace, he shall and may be discharged by the Provost-Marshal, according to the exigency of the sentence, without releasing, discharging, or annulling any Executions that may be open and outstanding against him in the Marshal's Office, and without any liability by the Marshal for the amount of such Executions, unless he shall have been directed in writing by the Plaintiffs in such Executions to detain the person so imprisoned,

The Provost-Marshal or Coroner shall and may, by virtue of any Writ of Execution issued out of the said Supreme Court of Judicature, seize and take any money, Bank Notes, Cheques, Bills of Exchange, Promissory Notes, Bonds, Specialties, or other Securities for money, belonging to the person against whom such Execution shall be sued out, and shall and may pay or deliver to the party suing out such Execution any money or bank notes which shall be so seized or a sufficient part thereof, and shall and may hold any such cheque, bills of exchange, promissory notes, bonds, specialties or other securities for money as a security or securities for the amount by such Execution directed to be levied, and shall and may sue in the name of such Provost-Marshal or Coroner for the recovery of the sum or sums thereby secured, if and when the time of payment thereof shall have arrived; and that the payment to such Provost-Marshal or a Coroner by the party liable on any such cheque, bill of exchange, promissory note, bond, specialty or

No. 168.
15th October, 1860.

CL. LXVI.
Executions to be levied in order of priority.

Plaintiff at liberty to abstain from a Levy without prejudice. Order of priority.

Levy on the body of the Defendant, not to affect a Creditor not consenting.

CL. LXVII.
Provost-Marshal to make an entry in case of proceedings subsequent to return of Writ.

CL. LXVIII.
Receipt by Provost-Marshal to be given on lodging Writ of Execution.

CL. LXIX.
Persons in custody for Fines and released without discharge of Executions against them.

CL. LXX.
Marshal to seize and take money, Bills of Exchange, Bank Notes, Cheques, Promissory Notes, Bonds, Specialties, or other Security for money.

No. 168.
15th October, 1860.

other security, with or without suit, on the recovery or levying Execution against the party so liable, shall discharge him to the extent of such payment or of such recovery, and levy in Execution, as the case may be, from his liability on any such cheque, bill of exchange, promissory note, bond, specialty, or other security; and such Provost-Marshall or Coroner may and shall pay over to the party suing out such Writ the money so to be recovered, or such part thereof as shall be sufficient to discharge the amount by such Writ directed to be levied; and if after satisfaction of the amount so to be levied together with the Provost-Marshall's poundage and expenses, any surplus shall remain in the hands of such Provost-Marshall or Coroner, the same shall be paid to the party against whom such Writ shall be so issued: *Provided*, That no such Provost-Marshall or Coroner shall be bound to sue any party liable upon any such cheque, bill of exchange, promissory note, bond, specialty or other security, unless the party suing out such Execution shall enter into a Bond, with two sufficient sureties, indemnifying him from all costs and expenses to be incurred in the prosecution of such action or to which he may become liable in consequence thereof; the expense of such Bond to be deducted out of any money to be recovered in such action.

CL. LXXI.
Authorizing Sale under
Execution of Lands,
&c., of a Defendant,
though held by an-
other in trust for him,
over which Defendant
hath disposing power.

The Provost-Marshall or other Officer having the Execution of any Writ of Execution issued out of the said Court authorizing the Levy upon Lands of a Defendant, shall and may by virtue of such Writ, levy upon and sell all and every the lands, tenements, rents, and hereditaments whereof the person against whom such Execution is so sued out, or any one in trust for him, shall have been seized or possessed of at the time of entering up the Judgment upon which such Execution shall have been sued out, or at any time afterwards, or over which such person shall at the time of entering up such Judgment, or at any time afterwards, have any disposing power which he might without the assent of any other person exercise for his own benefit.

CL. LXXII.
Priorities of Judg-
ments.

From the time of entering up final Judgment in the Secretary's Office with Affidavit where an Affidavit is by this Act required as hereinbefore mentioned, such Judgment shall bind lands and all other property whatsoever which by the Laws of this Island are attached or annexed to the Freehold, and of the nature of Real Estate; and the time of the day, month, year, and number of the entry and signing of every Judgment shall be entered in the margin of the Secretary's Book where the said Judgments shall be entered, and such Judgments, as against purchasers or other incumbrancers *bonâ fide* for valuable consideration of such Lands or Hereditaments to be charged thereby, shall in consideration of Law be Judgments only from such time as they shall be so entered, marked, and numbered, any Law, Usage, or course of any Court to the contrary notwithstanding.

CL. LXXIII.
Writs of Execution
shall bind the property
of goods and chattels
from the time of lodg-
ing in the Marshal's
Office.

Writs of Execution shall bind the property of goods and chattels from the time of lodging the same in the Marshal's Office; and the Marshal is hereby required to minute down on the back of every Execution that shall be lodged with him the day of the month, and hour and minute of the day and year, as near as may be, he received each respective Execution.

CL. LXXIV.
In case of satisfaction
before Levy, the Mar-
shal shall enter the
same in his Execution
Book, and receive a
fee agreeable to the
docket.

All Executions, except Executions against Purchasers making default or against their Sureties, shall immediately on the same being lodged be entered by the Marshal in the Book of Execution, and shall be forthwith levied by the Marshal and returned according to the tenour of the Writ, unless he is directed to the contrary by a note in writing under the Plaintiff's hand or that of his Attorney, and in case the Defendant in the said Execution shall before Levy made pay off or satisfy the Plaintiff or Plaintiffs their several or respective demands, with all lawful costs, the Provost-Marshall shall suffer satisfaction for the same to be entered in the Execution Book, without demanding or receiving any other Fee than what shall be granted by the Docket to this Act annexed for entering satisfaction, under penalty of answering damages to the party grieved by action on the Case in any Court of Record of this Island, with full costs; and the Marshal is hereby required to keep a Sales Book, and a separate Book of Execution, with the folios regularly figured and numbered, wherein shall be entered the names of the Plaintiffs and Defendants in every Execution, and the day of the month and year such Execution was received, with two Alphabets in the same Book, one

Books how obtained
and kept.

No. 168.
15th October, 1860.

beginning with the Defendant's surname and referring to the folio of the Book, and the other beginning with the Plaintiff's surname and referring to the folio of the Book, upon pain of being informed against and fined for his neglect Forty Pounds for each neglect; and also to give an account in writing within forty-eight hours after request, to any person requiring the same of all Executions come to his hands for or against any particular person or persons, viz. of parties' names, for what sum and when received, and the amounts appearing due respectively, under the like penalty of Forty Pounds for each refusal or neglect, to be recovered with costs by action or suit brought within one year next after such refusal or neglect; to be recovered in the same manner and to the same uses as in cases of neglecting or refusing a receipt if required on delivering an Execution; which Execution Book, with its Alphabets and Sales Book, shall be the property of the Public and be paid for by Warrant from the Governor, and on his [the Marshal's] going out of office shall be delivered over to his successor in the same office.

From and immediately after the time by this Act directed for payment of purchase-money, or immediately on the payment of any sum on account of or in discharge of any Execution, the Plaintiff in such Execution shall and may apply to any one of the Justices of the Court for a Summons to be directed to the Provost-Marshal or any of his servants or any other material Witness or Witnesses who shall be compelled to attend on such Summons under the same penalties and process as are hereinbefore directed in cases of Witnesses subpoenaed to Court, requiring him or them to appear before such Justices at a certain day, hour, and place therein to be specified, then and there to answer upon oath all such Interrogatories as shall be exhibited to either of them touching the receipt or payment of such purchase-money, or any other moneys in discharge of or on account of any Execution: and if upon such examination upon oath it shall appear that such purchase-money or any other moneys, or any part thereof, has been paid to or received by the Marshal or any of his servants, or any person or persons by his or their Order or directions to receive the same in discharge of or on account of such Execution, or that the said Provost-Marshal, or any of his servants hath neglected to receive the same, and that he or they shall not pay such moneys received, or so neglected to be received by him or them, in six days after such examination and Order of the said Justice thereon, then and in such case such Justice is hereby authorized and required to issue an Execution directed to any Coroner of this Island against such Marshal and his or their goods and chattels, lands, tenements, hereditaments, rent-charges, annuities, and debts, for such sum as shall appear upon such examination to have been received or neglected to be received as aforesaid by him or them with twenty per centum on the same, which goods, chattels, lands, tenements, hereditaments, rent-charges, annuities, and debts, or so much thereof as shall be sufficient to pay the several sums in such last-mentioned Execution specified, shall be sold immediately at any time of the year in the town of Kingstown for ready money to be paid down at the time of such sale into the hands of the Plaintiff in such last-mentioned Execution, or his lawful Attorney; and for want of sufficient goods and chattels, lands, tenements, and hereditaments, then the body of the Marshal shall be taken and held in Execution until payment of all and every the sums in such Execution mentioned to be paid and satisfied; and the Justice's Fee for attendance on such Examination or issuing such Execution, with the other costs for Counsel's attendance on such Examination, shall also be taxed in the costs against the Marshal in such Execution, and the said Coroner shall take all such fees of levy and sale as the said Provost-Marshal is entitled to take on Execution; all which proceedings shall be entered at large, under the entry of the original Cause, in the Secretary's Book for entering actions: *Provided nevertheless*, That the Plaintiff in such original Execution shall or may take his remedy against the Surety or Sureties of such Marshal, if he shall so make his election, anything herein contained to the contrary notwithstanding; and the Coroner upon the sale of the Marshal's goods and chattels, lands, tenements, and hereditaments, taken on such Execution, is hereby authorized to make, execute, acknowledge, and suffer every lawful act and deed to the

CL. LXXV.
In case of Misapplication of Money by the Marshal, how proceeded against.

Proviso.

No. 168.
15th October, 1860.

CL. LXXVI.
If, upon Examination,
the Marshal appears
to have done his duty,
Costs to be allowed
him.

CL. LXXVII.
Goods, &c., levied on,
to be sold by Public
Outcry, and a Brief of
the Title Deeds and
Counsel's Opinion
lodged with Marshal
ten days before sale.

CL. LXXVIII.
Directions as to Notice
of Sale of goods and
chattels.

CL. LXXIX.
Lands freehold or
leasehold, levied on,
when to be sold.

CL. LXXX.
Ten days' Notice of
Sale to be given after
Levy.

CL. LXXXI.
Purchaser at Marshal

purchaser or purchasers as the Marshal is hereinbefore or hereinafter authorized to do on the sale of goods, chattels, lands, tenements, and hereditaments taken in Execution and sold by him.

If the Marshal, upon such Examination, shall appear to have done his duty on such Execution, then and in such case the Justice before whom the Complaint is heard is hereby authorized and empowered to tax reasonable Costs to the Provost-Marshal, and to issue Execution therefore against the Plaintiff, his goods and chattels, lands, tenements, and hereditaments, which shall be put up to sale and sold by the Marshal in the manner hereinbefore directed for sale of his goods and chattels, lands, tenements, and hereditaments; and for want of sufficient goods and chattels, lands, tenements, and hereditaments, then to take his body in Execution, which shall be imprisoned until such Execution shall be paid and satisfied; and the Marshal is hereby respectively required on demand to give a receipt in writing to any purchaser on Executions, and any Defendant or his Attorney paying anything towards the discharge of any Execution for the particulars received and for what, without fee or reward under the penalty of Twenty Pounds and costs, recoverable, and to be sued for in the like time and manner and to the same uses as in the case of refusing or neglecting a receipt for an Execution.

Goods and Chattels taken in Execution, and not hereinbefore or after otherwise provided for or excepted, shall be sold by Public Outcry in the manner and form hereinafter prescribed, if not redeemed in the manner hereinafter laid down; out of the Produce whereof all Executions shall be satisfied according to their respective priorities in manner hereinbefore mentioned and enacted; which is strictly to be observed, and the overplus to be returned to the person or persons, by Law thereto entitled: and to prevent purchasers from being discouraged through ignorance of the title of Lands and Tenements the Plaintiff in any suit where the action shall have been commenced by Declaration, who has the first Execution, or some other such Plaintiff who has Execution, is to take care to produce the Title Deeds and papers of lands and tenements levied on out of the Register's Office, and leave them with the Marshal ten days before the day of sale, with a Brief of the Title drawn and signed by Counsel and Counsel's Opinion on the Title, in order to inform Purchasers; and such fee shall be paid to Counsel for such Brief and his or their opinion as shall be hereinafter allowed, all which fees as well as those of the Register shall be first paid out of the purchase-money and the Marshal shall mark on the case the day, month, and year he received it.

Notice of the time and place of all Sales by Outcry of goods or chattels, shall be given to the Defendant or his Attorney, if any Attorney upon these Islands, by the Marshal at least ten days before the said sale, and publication thereof shall be made in the Weekly Gazette of this Island, and if no such Gazette shall be printed then publication thereof shall be made by setting up such notice at the Court House in the town of Kingstown ten days before the day of any such sale.

All lands and tenements being Freehold, or leased for years, levied on by virtue of this Act, with all Buildings, Mills, Stills, Coppers, and implements thereon, shall be sold at Public Outcry upon the fortieth day after such Levy, inclusive of the day of Levy, by the Provost-Marshal to the best bidder and if such fortieth day shall happen to be on a Sunday, such sale to be on the day following: *Provided nevertheless*, That if the Defendant pay all the Executions then in the Marshal's hands against such Defendant, on which proceedings a Levy shall have been had and made, on or before the said fortieth day, the lands and tenements shall be discharged thereof.

At furthest within ten days after levying upon lands and tenements the Marshal shall cause notice to be given in the Public Gazette of this Island (if such Gazette shall be then printed) of the particulars levied on, and the day and place of sale, and shall also fix up publication thereof under his hand at the Court House, and likewise in some conspicuous place on the premises levied on and intended to be sold, and at least twenty-one days before the day of sale.

That a Purchaser of goods and chattels at Marshal Sale shall pay for the

same in full within three days of the sale, and previous to the delivery thereof; and a purchaser of Lands or Tenements shall within the like period pay a deposit of Ten per cent. on the amount of his purchase; failing which the benefit of such purchase shall be lost, and the property resold; and a purchaser of Lands or Tenements shall within ninety days of the day of sale pay the balance of purchase-money, and on failure so to do, the deposit to be forfeited and the property resold; and in the event of any resale, the Marshal shall proceed in the same manner as hereinbefore directed under the original Levy: *Provided*, That where the purchase-money shall exceed in the whole Three Hundred Pounds, the purchaser shall have twelve months within which to pay the remainder of such purchase-money: *Provided also*, That no Defendant or other person whose property is sold under Levy shall be at liberty to bid for the same at any sale thereof, unless such Defendant or person shall at the time of his bidding deposit the amount of the same in cash with the Provost-Marshal.

When the Freehold lands or tenements of the Defendant levied on are more than sufficient to pay off the Executions in the Marshal's hands against him, the Defendant may in such case choose which part of the said lands or tenements he will have sold, and have the same appraised; which appraisal, if delivered to the Provost-Marshal, sworn to by two Appraisers being Freeholders before the Chief Justice or one of the Judges of the Court within ten days after such notice or publication of sale as aforesaid, shall preclude the Marshal from selling any other than such part of the same lands and tenements, if the same shall prove sufficient to satisfy the Executions levied, but if the same should not be sufficient, or the Defendant neglect to leave such appraisal aforesaid with the Provost-Marshal within the time aforesaid, the Marshal then on such day of sale shall sell such part thereof as shall be sufficient to pay the said debt and costs, or the whole if necessary, and pay back to the Defendant the surplus of the money arising from such sale after paying off the Executions levied and all costs thereon, within six days, if demanded, after his receipt of the money; and if the Marshal shall neglect to pay such surplus money within the time aforesaid to the Defendant or his Attorney, such Defendant or his Attorney, shall have the same remedy to obtain the same as hereinbefore is given to a Plaintiff in an Execution where the Marshal neglects to pay the money in the Marshal's hands by virtue of any sale by him made; and where the Defendant hath only a Lease for years in land alone, or in lands, cattle, and utensils, there shall be no selling by parcels or parts, but the Defendant's whole benefit, term, estate, advantage, improvement, and interest in the whole together shall be sold, subject to the covenants, rents, payments, and engagements in the Lease contained, to be done, paid, and performed by the Lessee, and the publication and sale to run accordingly to the end that the Lessor may not be injured.

In all cases where by this Act security must be given for the future payment of any biddings, such security may be by one or more recognizance or recognizances to be entered into by the purchaser or purchasers, with two or more sufficient securities [*sureties*] of sufficient substance in this Government, and each recognizance shall be joint and several for the whole money each security [*surety*] becomes bound in, and be for double the sum for which such person means to engage and become bound, and that the purchaser shall have power of giving security for the amount of his biddings or what remains due thereof, in such portions as he and his securities shall think proper, so as the whole sum remaining to be paid with interest, and the forfeiture of Twenty per cent. thereon in case of non-payment, be well and sufficiently secured by the recognizance to be taken, according to the true intent and meaning of this Act: *Provided always*, That the number of such securities shall not exceed eight, and that no sum shall be deemed to be secured according to the meaning of this Act, unless two securities shall be joined in a recognizance with the purchaser for every such sum respectively, and that in all other respects the requisites prescribed by this Act touching such recognizances and securities be duly observed, and the same shall be made to the Provost-Marshal by his name and title of Provost-Marshal,

No. 168.
15th October, 1860.

Sale to pay for goods and chattels within three days.
[For] Lands and Tenements, a Deposit of 10l. per cent.; in default, a resale.

CL. LXXXII.
In case of Defendant's effects being more than sufficient to pay all Executions, he may choose what part Marshal may levy on.

CL. LXXXIII.
Securities [Sureties] required for the Purchase-money.

Sureties not to exceed eight, and no sum deemed secured unless two Sureties shall join purchaser in Recognizance.

No. 168.
15th October, 1860.

and to his successors in the same Office for the time being, and such recognizance in other respects to be in common or proper form, save only that the same shall be conditioned as hereinafter mentioned, and shall be sealed and delivered by the persons bound in the presence of some witness, and acknowledged before the Secretary of the said Court for the time being, or else shall be sealed and delivered before, and attested by, such Secretary as a witness, all to be done within the said forty days, or else the benefit the purchaser is to have of time by giving such security to be lost, and the Secretary is to set down in words at length, the day of the month and year of the acknowledgment, or sealing and delivering before him, and immediately to record the same at length in the Judgment Book in his Office, and the Secretary shall in his books leave a space of eight or ten lines between each recognizance, to enter satisfaction or release as occasion shall be, and also after so recording shall without delay send the original with his attestation and endorsement, and in what book recorded, to the Provost-Marshal to be filed in his Office for the use of the Creditors, and in case the original shall be lost, a copy attested by the Secretary shall be equal in all respects with the original, and the condition of such recognizance shall be in the form set forth in the Schedule B, and numbered [5].

CL. LXXXIV.
Directions to the Marshal in taking such Securities.

The Provost-Marshal shall be entitled and required to take such recognizances in the name of himself and successors as aforesaid, and such Provost-Marshal to whom the said recognizances shall be given, and his successors in the said Office, shall be entitled to put in force and execute each of such recognizances in manner and form as hereinafter directed; and each of the said recognizances, from the time of their being entered into, shall have the force and effect of a judgment entered into by each of the parties severally who are therein bound, and against each of them, and against each of their lands and tenements of which they or either of them at the time of entering into such recognizance or at any time after was or were seized, and of the same effect also as to such parties and such of their lands and tenements as though each of the same parties were purchasers of lands and tenements of the Defendant by Outcry in Execution, and had made default in payment of the purchase-money, and also default of giving sufficient security by recognizances for payment of such purchase-money as herein directed; and immediately before the Secretary shall take the said recognizances he shall and is hereby required and empowered, if he be directed so to do by a note in writing signed by the major part in value of the Creditors of a Defendant, or their Attorneys, to swear each of the sureties severally to this Oath, *viz.*: I, A. B. (the Deponent naming himself), do swear at this time, according to the best of my knowledge and conscience, I am seized of lands and tenements of inheritance, or by lease in this Government, of the full value of the sum of (mentioning the sum for which he is to become bound) over and above all Incumbrances lying thereon. And the Secretary shall write on the recognizance: Justified on Oath; and the Sureties shall each sign his or her name, under the words of the Oath which shall be written on the said recognizance, and the Secretary shall write, Sworn before me, and sign it: and no recognizance shall be allowed as any security within this Act until this be done, if required as above; all which shall be entered on record by the Secretary before delivering the recognizance to the Marshal.

The Oath to be administered to Sureties.

CL. LXXXV.
Receiving such Security, the Marshal to execute Conveyance, and Instructions as to the same.

In case of giving such Security by recognizance or recognizances, the Marshal shall convey the Defendant's lands and tenements so levied on and sold to and for the use of such purchaser or purchasers as hereinafter directed, and in the Deed of Conveyance shall recite the substance of the Execution for which such lands and tenements were sold, and of the recognizances given for payment of the purchase-money, and the Condition of the same, as far as to show the time of payment and the sum to be paid pursuant to such recognizances, and the same conveyance to be with an express clause that the same lands and tenements are and shall be and remain charged and chargeable with the said moneys, interest, and the penalty of Twenty per centum on nonpayment, and to be sold therefore as the laws direct in cases of default, and the same lands and tenements shall be, and

are hereby declared to stand charged accordingly, and be liable in cases of default to be sold as hereinafter directed.

In case the moneys and interest conditioned to be paid by such recognizances shall not accordingly be paid, then at any time after the day of payment, upon application of any Creditor by Execution, the Marshal shall proceed to execute such recognizances as shall be then forfeited, and the manner for executing the same shall be as follows, viz.: The Marshal shall set up publications at any time of the year without further Writ or Warrant for so doing to sell at the end of ten days the proper goods, chattels, lands, tenements, hereditaments, annuities, and rentcharges of the said purchaser or purchasers, which publication shall recite the substance of the recognizances, and conditions and forfeiture, and the sale may be at any time of the year; and if more money is produced by the sale thereof than is sufficient to pay the purchase-money and the interest and the forfeiture of Twenty per centum, the overplus to belong to the first purchaser; but in case it prove deficient to pay the same moneys and interest with the Twenty per centum forfeiture and all fees of the Marshal for such new levy, publication, and sale (which fees are to be the same as on original Executions and which shall be borne by such purchaser and his sureties), then and in such case the Marshal shall levy all the said moneys so deficient upon the proper goods, chattels, lands, tenements, hereditaments, rentcharges, annuities, and debts of the sureties or either of them, according to the conditions and proportions of their respective recognizances, and shall and may sell the same to make good such deficiency, all for money at Public Outcry, to the best bidder, so as there be publication of such sale to be made at the end of Twenty days after such levy, and the publications are to be fixed up immediately, or as soon as conveniently may be; and if such estate or effects of the purchaser or his sureties be not sufficient, then their or any of their bodies may be taken by force of the recognizance, as in Execution, and kept until all such moneys, interest, forfeiture, and costs of levy, publication, and sale be all paid: *Provided*, if the purchaser or his sureties pay the same before the time of publication expired respectively, then no such sale shall be, but if any purchaser or his sureties shall die between the entering into such recognizance and before levy made in Execution thereof, then before executing thereof against the estate of the deceased a *Scire Facias* shall go thereon, as on a Judgment, against the heirs, executors, or administrators, and *terre-tenant* of such person dying, to show cause why such recognizance should not be executed as the Law directs, to which the same Pleas as are pleadable against a Judgment may be pleaded, or any sufficient matter, save that, as to lands, tenements, and rentcharges, the recognizance shall have force upon the recording thereof, as an Execution upon a Judgment that day delivered into the Marshal's hands is by this Law to have; and when Judgment shall be upon such *Scire Facias* for Execution, the Marshal shall and may procure a copy of the *Scire Facias* and Judgment, which shall be tested as hereinbefore directed for Executions and under the Secretary's hand, and shall be sufficient warrant to sell in Execution, in all respects, the goods and chattels, lands, tenements, and hereditaments, rentcharges and annuities of the Defendant or his sureties for ready money, in the manner as near as may be as is before directed where the Defendant or his sureties is or are living; but the Plaintiff shall not be delayed by the purchaser's death, but shall have his election either to bring a *Scire Facias* against the heirs, executors or administrators, or *terre-tenant* of the purchaser, or to proceed immediately against the sureties or either of them in the same manner as he might have done in case the purchaser's estate had proved deficient; and the Marshal shall not accept of any part payment of the purchase-money so secured, but must have the whole paid except where he is obliged to levy, and in such case must levy it, as soon as he can, and no Creditor shall be capable of receiving the same or any part thereof unless the Marshal, after payment to him or his levying it, assigns and pays it to such Creditor; and the Marshal shall not be entitled to any fee or reward for receiving or paying the said moneys, nor shall be paid levy-fee for any part thereof by a Creditor, save and except only he may

No. 168.
15th October, 1860.

CL. LXXXVI.
In case of default in the payments, Marshal to sell purchaser's Goods, with instructions thereon.

No. 168.
15th October, 1860.

CL. LXXXVII.
Purchase-money to be applied to payment of original Defendant's Creditors, according to priority.

deduct thereout his common fees for levy and sale before he pays it to the Creditors, in proportion only and for so much as he shall pay over to such Creditors; and the Chief Justice and Secretary shall have the same fees for the copy of the said *Scire Facias* and Judgment as they are respectively entitled to for an Execution.

The said Purchase-money and interest thereon shall be applicable towards the payment of the original Defendant's Creditors, each in legal course of priority, and in case the same be not adequate to the discharge of all the Executions against the Defendant, the forfeiture of Twenty per centum shall be paid unto the unsatisfied Creditors, but should the purchase-money be sufficient to discharge all the defendant or defendants' debts on execution and costs, then in such case the Twenty per centum or any remaining part of it shall go in equitable proportion among all the Creditors, over and above their demands, for principal, interest, and costs, and also should there be any surplus remaining from the purchase-money, after all the Execution Creditors are fully satisfied, the same shall be paid back as before directed unto the original Defendant, together with interest and a like forfeiture of Twenty per centum on the same: *Provided nevertheless*, That in case the purchaser or purchasers, or his or their sureties or either of them, shall on or before the day of sale in virtue of the Execution issued upon the recognizance aforesaid, pay into the hands of the Provost-Marshal the whole of the purchase-money, with interest and all costs of levy, then such purchaser and his sureties shall not be liable to pay the forfeiture of Twenty per centum, anything hereinbefore contained to the contrary notwithstanding.

CL. LXXXVIII.
In cases where payment has been made on any Judgment or Execution, for which an acknowledgment has not been duly entered, the Oath of the party making such payment to be taken as sufficient proof thereof.

In all cases wherein payments have been made, or shall hereafter be made upon any Judgment or Execution, and any acknowledgment thereof hath been or shall hereafter be given by the Plaintiff, or his executor, administrator, attorney, or assignee, to the Defendant, his executor, administrator, or attorney, but no record thereof shall or may appear in the respective proper Offices of the said Island, and due and sufficient proof of every such payment and acknowledgment shall be made in the Supreme Court of Judicature, it shall and may be lawful for the Justices of the said Court, and they are hereby required to direct the Secretary or Provost-Marshal, as the case may be, on paying the usual fee, to enter in their proper Books in their respective Offices in which such Judgment or Execution shall have been or shall hereafter be recorded, satisfaction for so much money as shall have been or shall hereafter be proved to have been so paid as aforesaid, together with lawful interest for the same from the time of the respective payments.

CL. LXXXIX.
Marshal levying, obliged to take Bond with Sureties at the request of Defendant, for the Goods to be forthcoming, at the end of forty days, unless they are Merchantable commodities of the growth of these Islands.

Whenever the Levy shall be on any Goods and Chattels, not being Merchantable Commodities of the growth of these Islands, the Marshal shall be obliged, upon the request of the Defendant or in his absence from the Island, his Agent or Attorney, to deliver the same to the said Defendant or to his Agent or Attorney, provided he do give Bond in Twenty days after the Levy, with two sufficient sureties, all to be bound jointly and severally, either in the name of the Plaintiff, or in the name of the said Marshal, to return the same at the end of Forty days after the day of levying, specifying the day when first levied on in order to be sold at Public Outcry, towards satisfaction of the Plaintiff's debt, or else to pay and satisfy the said debt and costs at the expiration of the said Forty days; and the species of the Goods levied on shall be particularly specified either in the condition of the Bond or endorsed or annexed to it, and before such surety shall be accepted the Defendant, or his agent or attorney if the Defendant be absent, if thereto required by or on behalf of the Plaintiff, shall make oath that he will not remove from the Island wherever the Levy shall be made, or conceal or willingly suffer to be removed or concealed or any way alter the property of any such goods or chattels, but will deliver the same pursuant to such Bond, as far as ever he shall be then able or have it in his power, in order to be sold for the Plaintiff's Judgment; and the sureties, before they shall be accepted, shall each make oath, if required by or on behalf of the Plaintiff, that he thinks in his conscience he is worth

the value of the things returned, which oath shall be taken before a Judge of this Court, and lodged in the Secretary's Office of this Island, or else such goods shall be sold as though no such security was given at all for the same.

If the Condition of such Bond be not performed, then shall issue a new Execution either against the Defendant and his sureties, or any one or more of them, jointly and separately, at the Plaintiff's choice, which new Execution shall issue upon such request entered on record, and with and under such circumstances as before directed in case of Execution against purchasers of lands and tenements failing to pay their purchase-money in time, and shall recite concisely the substance of the first Execution and Levy, the Marshal's Return thereof, the Security Bond, both date and substance of the contents; and the Marshal is hereby empowered by such new Execution to levy upon the goods, chattels, lands, tenements, hereditaments, rentcharges, annuities and debts of the said Defendant or his sureties for as much of the penalty of the said Bond as will amount to the value of such goods and chattels as were delivered unto the Defendant and not duly returned with Twenty per centum more upon the amount of such value, and so in proportion, with costs on the same, to the Plaintiff's use in case the same were appraised by procurement of the Defendant, and if not so appraised then to levy for as much of the penalty as will satisfy the Plaintiff's Execution with Twenty per centum thereon, and the same goods, chattels, lands, tenements, hereditaments, rentcharges, and annuities immediately to sell and dispose of by Public Outcry for money paid down in hand, and the produce whereof the said Marshal is to deliver to the Plaintiff, as far as necessary, to satisfy his said demand; and in case the said Marshal cannot find goods, chattels, lands, tenements, hereditaments, rentcharges, annuities and debts of the Defendant or his sureties, sufficient to answer the said value if so settled by appraisement, and Twenty per centum thereon, or in default of such appraisement sufficient to pay such Twenty per centum with the debt and costs, he is then to attach the bodies of the Defendant and his sureties or any or either of them, and him or them safely to keep until the said debt and all costs of the said appraised value, if so settled by appraisement, as the case shall require, with the aforesaid Twenty per centum shall be satisfied and paid, with the subsequent costs of levy; and such new Execution shall bind all the goods, chattels, lands, tenements, hereditaments, rentcharges, annuities and debts of the person or persons liable to such new Execution in the hands of any person or persons purchasing the same, after issuing and minuting, and alphabetizing the same in the Secretary's Office; all which the Secretary is required thereon to do as directed in case of Execution against purchasers of land making default of payment, before delivering the same new Execution out of his Office.

In case the Marshal shall unduly make any delivery of Goods or Chattels taken in Execution, without observing the method of proceeding and taking Bond, as hereby directed, the Defendant shall not be liable to any Twenty per centum in respect of those goods and chattels, but it shall be deemed a direct breach of the Condition of the Security Bond given by such Marshal, and the same Bond shall thereon become forfeited, or in case there be a Bond taken duly by such Marshal, and he shall refuse to assign it as hereinafter directed in six days after the demand, or if he should refuse or neglect to deliver it in such six days, if taken in the Plaintiff's name, to the Plaintiff, his Counsel or Attorney requesting the same, that also shall be a direct breach of the Condition of such Marshal's Security Bond, and the same Bond thereon to be forfeited and suable as the Law directs for the benefit of the party; or in either of the said cases the Marshal may be sued in an Action of Debt, yet not to be any discharge to the Defendant until the Plaintiff's demand is satisfied, and the Marshal shall answer Twenty per centum to the Plaintiff and his debt and damage, with treble costs of suit, for default of taking such Bonds duly, or for default of so assigning or delivering the same to the Plaintiff, his Counsel or Attorney upon such request, and if the debt with costs and damages, partly or wholly be levied or paid by the Marshal, he may make use of the Plaintiff's Judgment and Execution

No. 168.
15th October, 1860.

CL. XC.
If Condition of the Bond be not performed, a new Execution shall issue.

CL. XCI.
In case the Marshal proceeds irregularly, and delivers the goods, &c. levied on without taking Bond as hereby directed, the Defendant not liable to 20 per cent.; but such irregularity and neglect shall be deemed a breach of the Security given by the Marshal.

No. 168.
15th October, 1860.

CL. XCII.
Bonds taken from Defendant in the Marshal's name shall be assignable to Plaintiff.

to repay himself so much as paid by or levied on him out of what is due on the Plaintiff's Judgment and Execution to the Plaintiff and no further, but he shall not be entitled to levy any Twenty per centum.

Bonds taken on returning Goods or Chattels taken from a Defendant in Execution, if taken in the Marshal's name, shall be assignable to the Plaintiff, and all such last-mentioned Bonds shall be liable by a new Execution as the first process as before directed, in the names of the Plaintiffs and be defeasible as before directed in cases of Bail Bonds to the Marshal, or as near the same manner as the reason of the case will permit; always taking care that the Plaintiff be first satisfied according to the true meaning of the Condition of such Bonds, and if such last-mentioned Bonds be in the Marshal's name the new Execution is to mention it, with the Assignment of it briefly, and all such Bonds shall be defeasible upon legal satisfaction, and such order shall be made thereon by the Court as shall be reasonable, and in case any goods and chattels shall be taken from a Defendant, and he shall neglect to make application and actually give Bonds to the Marshal within the time hereinbefore limited for having them delivered to him, the said Marshal is to keep them in his custody and possession in the Common Gaol of this Island at the Defendant's expense, and forthwith to set up publication for selling them at the expiration of ten days, and to give notice thereof to the Defendant in the manner hereinbefore expressed, and at the end of the expiration of the said time mentioned in the said publication to proceed to make sale of them by Public Outcry in the method directed and appointed by the said Act.

CL. XCIII.
Notwithstanding Order or Injunction from Court of Chancery, Plaintiff may enter up his Judgment, and after dissolution of such Order take out Execution.

Where any Plaintiff shall have obtained any Verdict at Law and shall be stayed from entering up his Judgment thereon, or where Judgment shall have been entered up and Execution thereon stayed, or where Execution hath been taken out and levied and the Marshal shall be stayed from proceeding to sale thereon by virtue of any Order or Injunction of the Court of Chancery, it shall and may be lawful to and for such Plaintiff to enter up his Judgment on such Verdict, notwithstanding such Order and [*? or*] Injunction, and immediately after the dissolution of such Order or Injunction to take out Execution upon such Judgments, and the Provost-Marshal, immediately after such Execution shall be delivered to him on the Execution had been delivered to the Provost-Marshal and the Levy thereof stayed as aforesaid, shall immediately levy on the goods and chattels, lands and tenements, hereditaments, rentcharges, annuities and debts of the Defendant, or if Execution had been levied and publication put up or not put up, and so stayed as aforesaid, that then and in all such cases the Provost-Marshal shall set up publication for sale of what shall be levied on, before or after such Order or Injunction, in such place as directed in the common or ordinary course of proceedings on Execution and Sales; and that the sale thereof, in all and every the said cases, shall be made on the twentieth day from the day of fixing up such publication, inclusive of the day of publication and sale, unless such twentieth day shall happen to be on a Sunday, then on the twenty-first day.

CL. XCIV.
Directions as to selling Goods and Chattels,

Proviso,

Whenever Goods or Chattels are to be sold at Outcry, the Marshal shall set up and sell the same, in parcels, opposite the Court House in the Town of Kingston, and that all such sales by Public Outcry shall take place between the hours of eleven o'clock in the forenoon and five o'clock in the afternoon, and shall continue daily (Sunday excepted) so long as there shall remain anything unsold: *Provided always*, That the sales of Lands or Tenements shall be finished at the hours aforesaid: *And provided also*, That, with the consent of the Plaintiff and Defendant, the Provost-Marshal shall be at liberty to set up and sell at the time and in manner aforesaid all or any Goods or Chattels levied on, or any part thereof, at or near the dwelling-house or place whereat the Levy shall have been made, and, with the like consent, to employ a known Auctioneer to conduct all sales of goods and chattels, who shall be allowed commission, at the rate of Two-and-a-half per cent. on the amount of gross sales made by him, to be paid out of the proceeds of sale: *And provided also*, if either party in Execution shall require the sale of goods and chattels levied on, to be made at or near the place of Levy, and if the other party shall refuse to consent, the Marshal shall, if he

Proviso,

shall be of opinion that such sale can be made without prejudice to either party, make sale of such goods and chattels at or near the place of Levy, notwithstanding such refusal to consent.

The Defendant shall be at the charge of carrying all his goods and chattels taken in Execution to the place of sale, and if he refuse or neglect the same the Marshal is hereby authorized and required to provide carts and cattle and such other necessities as shall be convenient to carry the same, the charge whereof shall be defrayed and borne by the Defendant, and to be deducted out of the produce of the said goods and chattels, and on dispute about the sum to be allowed the Court to settle it.

If any Goods or Chattels, taken from a Defendant or from a Purchaser as aforesaid, either of lands, tenements, hereditaments, goods or chattels, die or perish before the sale, the Marshal may make a further Levy, and if the loss of the said goods or chattels hath been occasioned by abuse or neglect of the Marshal, the said Marshal shall be responsible for the same or the value thereof to the owner or proprietor thereof, and such goods and chattels so further levied on shall be sold without further notice at the same time and place as those dying or perishing were to be sold, if time permits after such death or perishing or else on the seventh day following if it can be done, or as soon as conveniently may be at the same place without further publication.

In case any Defendant or Buyer as aforesaid shall show any goods or chattels belonging to any other person at that time to the Marshal to be levied on by him, and that hereby such goods or chattels shall be recovered or lawfully taken from the person or persons purchasing the same, his executors or administrators, such Defendant shall forfeit double the value of the said goods or chattels to the party aggrieved, his executors, or administrators to be recovered in any Court of Record of this Island by an Action of Debt or Case, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law shall be allowed.

Conveyances of Lands, Tenements, and Hereditaments sold in Execution shall be made by the Provost-Marshal, at the cost of the purchasers thereof, and shall be good for such estate, trust, equity of redemption, and interest therein to such purchaser or purchasers, his, her, or their heirs, executors, administrators, and assigns as the party from whom they were taken by Execution could have made or granted, or was entitled to and no longer so always as the Conveyances passing any such lands, tenements, or hereditaments be duly recorded in the Register's Office; and the Marshal shall, and is hereby required and empowered, to put all purchasers of lands and tenements in quiet possession, if required, and the Marshal's Sale or Certificate only though not sealed shall be good for other goods and chattels to the purchaser, as far as the person or persons from whom they were taken had titles.

In all cases where any Lands or Tenements shall have been levied upon by any Provost-Marshal by virtue of any Execution lodged in his Office, and the said Provost-Marshal shall die, or resign, or be removed from the said Office before any Conveyance shall have been executed by him to the purchaser thereof, it shall and may be lawful for the Provost-Marshal succeeding him so dying, resigning, or being removed, from the said Office aforesaid, at the request and proper costs and charges of the purchaser of the said lands or tenements, to execute proper and legal Conveyances thereof to the purchaser, on sufficient proof of the purchase-money being duly paid; which he is hereby ordered and directed to execute, under the penalty of Forty Pounds for each and every refusal; which Conveyances and Assurances shall be as valid and effectual in the Law as if the same had been executed by the Provost-Marshal so levying and selling as aforesaid.

Where any person shall stand charged in Execution on account of the Provost-Marshal not having found any or sufficient goods and chattels, lands, or tenements of such person, the party or parties at whose suit or to whom such person shall so stand charged, his, her, or their executors or administrators, may after the death of the said person or persons so charged and dying in Execution or Executions, or during the life of the party or parties so in

No. 168.
15th October, 1860.

CL. XCV.
Defendant to be at the charge of conveying goods and chattels levied on, to the place of sale.

CL. XCVI.
In case of loss of goods levied on before sale, Marshal to make further Levy, and if through neglect or abuse of the Marshal any loss accrues, he shall be responsible for the same.

CL. XCVII.
Any Defendant showing the Marshal goods, &c., of any other person, and they be levied on, and afterwards taken from the Purchaser at Marshal's Sale, such Defendant shall forfeit double the value of the party aggrieved.

CL. XCVIII.
Conveyances of Lands, &c., to be done at Purchaser's expense by the Marshal, and shall be good for such estate, as the party from whom taken had therein.

CL. XCIX.
Provost-Marshal dying or being removed previous to executing Conveyance of any Sale made in virtue of his Office, the same to be executed by his Successor.

Such Conveyances to be valid and effectual in Law.

CL. C.
Persons dying in Execution, where no Effects could be found, their Creditors may have new Executions against their Effects, when discovered notwithstanding.

No. 168.
15th October, 1860.

Execution or Executions, lawfully sue forth and have new Executions against the goods and chattels, lands, tenements, and hereditaments, rent charges, annuities, and debts, when found, of the person or persons so deceased or being in Execution or Executions in such manner and form to all intents and purposes as he, she, or they, or any of them, might have had, if such person or persons so deceased or being in Execution or Executions had never been taken in Execution or Executions, and upon satisfaction by any new Execution or Executions levied on such goods and chattels, lands, tenements, hereditaments, rentcharges, annuities, and debts, the party or parties levying and being in Execution or Executions shall be enlarged against that Execution, only so satisfied upon *Auditâ Querelâ*.

CL. CI.
Execution on Judgment dormant for one year to be allowed by Order of the Court, or a Judge in a summary way, on Summons to the Defendant in the cause.

No Execution shall issue upon any Judgment or Judgments which have laid dormant for the space of one year and a day without an Order of the Court or the Chief Justice at Chambers, to be obtained on Rule or Summons in the usual way, except where the Plaintiff had been held under Injunction in Chancery or Order of the Court of Chancery, or by Writ of Error or Appeal, and it shall appear by affidavit in writing, filed in the Secretary's Office, that the Plaintiff was for either of the cases aforesaid unable to proceed.

CL. CII.
Provost-Marshal to make an Entry of all moneys received by him.

The Provost-Marshal shall keep a Book in which shall be entered daily, and as the same shall be paid all and every sums and sum of money paid to and received by him or his Deputy Bailiff, or other person acting by his authority, on account of any Execution, whether on account of the principal, interests, costs, or fees of Office; and in the Entry of every such sum of money it shall be shown whether such moneys have been received by payments made by or on account of the Defendant or by receipts of the Marshal on sales; which Book shall be open to the inspection of every Plaintiff or Defendant at whose suit or against whom any Writ of Execution shall be open and unsatisfied in the Marshal's Office on payment of a fee of Sixpence. And if the Provost-Marshal shall not enter any sum by him received on account of any Execution in the said Book on the day on which the same was paid he shall be liable to a penalty not exceeding Ten Pounds for every neglect, to be recovered by the Plaintiff or Defendant in the Action in which such omission to make such Entry shall occur by Rule and Order of the Court in a summary way before the said Court, on which an attachment shall issue in case of non-payment.

CL. CIII.
Provost-Marshal to make out List of Executions in his Office, and lodge all unclaimed moneys in his hands, on the 1st January, in every year, with the Colonial Bank.

The Provost-Marshal shall on the first day of January, or within fifteen days thereafter, in each and every year after the passing of this Act, make out a List of all Executions in his office whereon payments have been made in part or in full satisfaction of such Executions, together with a true and perfect account in writing of all moneys in his hands unclaimed or not paid by him to the Plaintiff in such Executions, and shall file the same in the Secretary's Office, and deliver a duplicate thereof and pay over all such moneys as aforesaid into the Colonial Bank of this Island, which said moneys shall be placed to the credit of the account of the Provost-Marshal, and the said Provost-Marshal shall take the following Oath, before one of the Judges of the said Court: I (A. B.) do make Oath that the List of Executions made out by me, and the account of all the moneys in my hands which have been by me received on account thereof are just and true. So help me God. And when any moneys shall be paid into the said Bank by the said Provost-Marshal, the Manager or other proper Officer of the said Bank shall give a receipt for the same, which receipt shall be carried by the said Provost-Marshal to the Secretary's Office and there filed, and the said Provost-Marshal shall be indemnified and discharged of and from all moneys so paid into the said Bank as aforesaid.

Oath to be taken by the Marshal.

Officer of the Bank to give Marshal receipt, for moneys received.

CL. CIV.
Account of Executions and Moneys lodged to be kept by the Provost-Marshal.

There shall be provided and kept by the Provost-Marshal in his Office one or more Book or Books in which a List of the Executions, together with an account of the moneys paid into the Colonial Bank by the said Provost-Marshal under the operation of this Act, shall be fairly entered, and every Plaintiff who shall be entitled to any Execution, or any person duly authorized to receive the amount thereof or otherwise claiming under such Plaintiff, shall upon application made to the said Provost-Marshal receive his money; and in case there are several Executions against any Defendant, the same

shall be paid by the said Provost-Marshall in course of legal priority, to be settled by the Court in case any doubt, difference or dispute shall arise, upon the application of any party, Plaintiff or Defendant interested in the said moneys; and the Provost-Marshall shall in such Book as last aforesaid keep a Debtor and Creditor Account of all moneys received by him and paid into the said Colonial Bank as aforesaid, and of all moneys paid from and out of the same Bank, with the dates of receipts and payments, and all moneys which shall come to his hands [and] be lodged in the said Bank as aforesaid and remain unclaimed for the space of Twenty years shall be appropriated for any public purpose by any Act or Acts of the Legislature declaring the same.

Goods or Chattels levied on and taken in Execution shall immediately be inventoried by the Marshal, and shall be deemed to be in custody of Law although the Marshal do not keep actual possession thereof, and if the same be not removed and sent off immediately, and such goods or chattels shall be embezzled, destroyed, injured or made away with by the Defendant, or any person by his order or procurement, before the same can be carried or sent conveniently from the place on which they were levied on, the same is hereby declared a great Contempt of the said Court, and such Defendant or other person who shall embezzle, destroy, injure, or make away with the same goods and chattels, or shall be aiding, assisting, or advising thereto, or shall be suspected so to have done, oath being made before some one of the Judges of the Court of such embezzlement, destroying, injuring, or making away with and the affidavit filed in the Secretary's Office, shall be brought in by attachment and examined upon Interrogatories touching such Contempt, and being proved guilty, or confessing the same, shall be fined for such Contempt, and committed until he pay the same with costs of the Contempt, and until he pay into Court the value of the goods or chattels so embezzled, destroyed, injured, and made away with, the value to be settled by the Court without a Jury, on due examination, and to be paid for the use of the Plaintiff; and shall also suffer further, if the Court think proper, any imprisonment without Bail or Mainprise for any time not exceeding Thirty days in the Common Gaol; but nevertheless it shall be at the election of the Plaintiff to levy further for the value of the Goods lost, embezzled, or made away with, on the Defendant, and such Levy if made shall discharge the person embezzling, making away with, destroying, or injuring, from making good the same value, but not from any other punishment for the Contempt.

AS TO ATTACHMENTS AND PROCEEDINGS SUBSEQUENT.

Debts due and owing to any Defendant (Executors or Administrators excepted), absent or present, shall or may be attached and charged in the hands of any Debtor immediately after any Writ of Summons or Writ of Capias against such Defendant hath been sued and delivered to the Provost-Marshall, or a Declaration filed in the Secretary's Office against such Defendant, in manner following, that is to say: the Plaintiff or his Attorney shall make an affidavit of the sum due or owing from such Defendant, according to the knowledge and belief of the Deponent, before some Justice of the said Court, which affidavit shall be filed in the Secretary's Office, and a true copy thereof delivered unto the Debtor or Debtors of the said Defendant or his Attorney or left at his most usual place of abode, together with a notice in writing signed by the Counsel of the Plaintiff, attaching all moneys then due not exceeding the sum sworn to in the affidavit, with interest thereon, and also the sum of Ten Pounds if the sum sworn to be upwards of Forty Pounds, the sum of Twenty Pounds, if the sum sworn to be upwards of Two Hundred Pounds, and the sum of Forty Pounds if the sum sworn to be upwards of Four Hundred Pounds, for the purpose of covering costs.

Such Debtor, or the person upon whom such Notice or Attachment shall be served as aforesaid, shall retain or keep in his hands all and every sum and sums of money so attached as aforesaid until the Action mentioned in such Notice shall be determined, or Judgment given thereupon, so as that such Trial or Judgment be had in the usual time for trying cases and obtaining Judgments in other actions, unless otherwise ordered by the Court; and

No. 168.
15th October, 1860.

CL. CV.
Persons embezzling
Goods levied on and
not removed immediately,
how proceeded against.

Attachment.

CL. CVI.
Proceedings by Attachment.

CL. CVII.
Debtor receiving Notice of Attachment,
to retain all Moneys so
attached, until Judgment
be obtained.

No. 168.
15th October, 1860.

In case of making payment to Defendant after such notice, to forfeit the amount of the debt.

Proviso.
Plaintiff may attach moneys in the hands of any three Debtors.

CL. CVIII.
After Judgment, Plaintiff may examine Defendant's Debtor, by Interrogatories before either of the Judges, on how much was due to Defendant at the time Debtor was served with notice.

Proviso.
If Debtor thinks himself aggrieved by the determination of such Judge as to the quantum of debt due by him to Defendant, and is willing to contest the same, Plaintiff may bring Action in the name of such Defendant.

CL. CIX.
Punishment of Debtor for Contempt or refusal of being examined.

CL. CX.
Such Notice to be sufficient bar to Creditors of such Debtor suing whilst such Action is depending.

CL. CXI.
Defendants to attend Examination of any Debtor, and assist Plaintiff in recovering.

if any such Debtor shall make payment to the Defendant of the same money so attached or any part thereof after service of such attachment, and the debt of the Plaintiff be not satisfied, he shall be liable to pay the same as far as he was Debtor at the time of such attachment and made such wrong payment : *Provided always* such Plaintiff may attach the said Debt in the hands of any number of Debtors, not exceeding Three in number, so as in the whole he do not attach for more than double the sum contained in the affidavit.

After Judgment obtained in the original Action, such Debtor shall attend before any one of the Judges of this Court, to answer such Interrogatories upon Oath as shall be exhibited by the Plaintiff touching the debt due to such Defendant at the time of such Notice, or copy served as aforesaid, which Interrogatories shall be signed with the name of the Plaintiff's Counsel, and served on such Debtor, with a copy of the summons signed by such Judge, appointing the time and place for such Debtor attending to answer such Interrogatories four days before the day appointed for such attendance, and such service shall be by delivering such Interrogatories, and a copy of such Summons to the Debtor, or by leaving the same at his usual place of abode : And, in settling the debt due between such Debtor and such Defendant, mutual credit shall be allowed between them, and only the balance in such Debtor's hands shall be liable to pay such Plaintiff : *Provided always* : If such Debtor to such Defendant shall think himself any way aggrieved by the determination of such Judge, and is willing to contest and try by a Jury at Law the *quantum* of such debt or demand due or supposed to be due to such Defendant, it shall and may be lawful for the Plaintiff in the original action, his executors or administrators, to bring any Action and finally to proceed thereon in the name of such Defendant to the original action, his executors, administrators or assigns, for the debt or demand due or supposed to be due to such Defendant, and in such case no Execution shall be awarded against such Debtor by the Judge before whom such matter shall have been inquired into, nor any further proceedings had therein before such Judge.

Upon due service proved upon oath before such Judge and no attendance of such Debtor accordingly, such Debtor shall be punished by the Court for Contempt by commitment to Gaol, and there remain until he conform and be examined, or confess that there is sufficient owing by him to pay the Plaintiff's Judgment, or upon oath, if not sufficient, what he actually and *bonâ fide* did owe at the time of the Notice or Copy served as aforesaid.

Such Notice or Copy to the Debtor shall be a sufficient bar to any Creditor suing for his debt as long as the said Action is depending, to pay [*sic*] the Plaintiff in the Execution, and where anything is confessed or found in any such Debtor's hands the same shall be paid to the Plaintiff towards his said demands within forty days after being found or confessed due to the Defendant, and in case it be not paid an Execution reciting the substance of the former Execution shall and may issue against such debtor, his goods, chattels, lands, tenements, hereditaments, rentcharges, and annuities, and against his body in default thereof, and to be proceeded upon as in other cases of debts, costs, or damages.

Every such Defendant shall attend the Judge before whom such Debtor is summoned at the same time and place appointed for the Debtor's attendance, upon being served with a copy of the notice hereby directed to be served on such Debtor four days before the day appointed for such attendance, and such Defendant shall at the time of such attendance deliver up to such Judge the Specialty Note in writing, Bill of Exchange, Order in writing, or other Writing whereby such Debtor is indebted to such Defendant, and the said Judge shall lodge the same with all convenient speed in the Secretary's Office, in order that the Plaintiff in the original Action may have access thereto, and in case the debt or demand due from such Debtor be only a Book-Debt, or Running Account, or other Simple Contract, then the Defendant in the original Action shall at the time of his attendance upon such Judge not only answer Interrogatories upon oath touching such debt, but also deliver to him an account in writing of the particular items due from such Debtor to such Defendant, with the Christian and surname or names of his witness or witnesses who can prove such Book-Debt, Account, or other Simple Contract,

if there be any such witness or witnesses, which Account such Judge shall upon request to him made deliver to the Plaintiff in the original Cause, his executors or administrators, or to his counsel or attorney-at-law, so as to enable him to proceed in proper actions for the recovery of such debts or demands, and if any action to be brought a verdict shall be given for the Defendant thereto the Plaintiff in the original action, his executors, or administrators, shall pay such Defendant his costs to be taxed.

In case of such Debtor being examined upon oath or Interrogatories, all such Examinations, Depositions, or Interrogatories shall be returned by the Judge immediately after the taking thereof under his hand into the Secretary's Office of this Island, to be filed with the other papers in the same cause and there be and remain of Record, and be deemed and adjudged a Record.

In all cases where moneys shall be attached in the hands of one or more Debtor or Debtors of any Defendant by one or more Plaintiff or Plaintiffs, under the authority of this Act, the Plaintiff who shall have entered up in the Secretary's Office the first final Judgment against the said Defendant shall be entitled to and have priority in payment of his debt or demand out of the moneys so attached as aforesaid, in preference to any other person or persons whomsoever: *Provided always*, That such final Judgment shall not have been obtained by Bond and Warrant of Attorney executed after such Attachment shall have been laid, and that Actions entered in the Secretary's Office shall take priority, according to their numbers in the Secretary's Entry-Book.

AS TO SUMMARY JURISDICTION OF COURT.

On the Tuesday following the day appointed for the holding a Court for Trial of Jury Actions the Justices of the said Court, or any or either of them, shall have power to hear and determine in Court, without a Jury or Counsel, all Actions in which the debt or damage shall not exceed Twenty Pounds, provided the same be not the balance of any debt or demand which originally exceeded One Hundred Pounds; and in such cases no Declaration shall be necessary, and the Plaintiff may enter his own Action, and a Writ of Summons shall issue at his instance, in the like form as directed in respect of Jury Actions, but the day of appearance to be named therein shall be the Tuesday last above mentioned; *Provided always*, That it shall be lawful for the Court at any sitting for the Trial of Actions in the exercise of its Summary Jurisdiction to order and direct any Complaint-Action wherein it shall appear that the title to the Freehold of any Lands, Tenements, or any Easement, is in question to be transferred into the Superior Jurisdiction of the Court, and thereupon further proceedings therein in the Court of Summary Jurisdiction shall be stayed; and on every Order for the transfer of any such Action the Plaintiff shall turn his Complaint into a formal Action by Declaration, and shall serve the Defendant with a plain Copy thereof within four days of such Order made; and all subsequent proceedings, as well on the part of the Plaintiff as of the Defendant, shall be in the same form as if the Plaintiff had filed an original Declaration in the Superior Jurisdiction of the Court on the entry day for Actions next proceeding the date of such Order for transfer; and the Plaintiff shall proceed to trial and judgment therein as in Actions commenced by Declaration in such Court.

All such last-mentioned Actions shall be commenced at the times hereinbefore appointed for the filing of Declarations by a short entry in the Secretary's Office of the Plaintiff's claim, entitled as follows:—"In the Supreme Court of Judicature, Summary Jurisdiction," and in Actions of Simple Contract the Plaintiff shall lodge with the Secretary of the Court a copy of the Plaintiff's Account, Bill, or Note of Hand, and in Actions of Special Contract and of Tort, a statement of his Claim in a short form, and a copy of such Account, Bond, Bill, or Note of Hand, Contract or Statement respectively, shall be served on the Defendant, with the Writ of Summons, within the time and in the manner hereinbefore appointed for the service of Declarations, and no technical objection shall be allowed to any such Claim, and it shall be sufficient if it set forth the cause of Action with sufficient certainty as not to mislead the Defendant.

No. 168.
15th October, 1860.

CL. CXII.

All such Examinations, Depositions, and Interrogatories, to be returned by Judge into the Secretary's Office, and be deemed a Record.

CL. CXIII.

In case of Attachment, the Plaintiff who shall have entered up the first final Judgment to have priority in payment over all other payments.

Proviso.

That such final Judgment shall not have been obtained by Bond, and entered up after Attachment has been laid.

Summary Jurisdiction.

CL. CXIV.

Complaints how heard and determined.

Debt on demand claimed, not to exceed 20l.

Return of Writ of Summons.

Proviso.

CL. CXV.

Mode of proceeding in Complaint-Actions.

Service.

Objection to form of Claim not to be allowed, if it state cause of action with sufficient certainty.

No. 168.
15th October, 1860.

CL. CXVI.
Actions of Ejectment
authorized to be
brought, where Pro-
perty does not exceed
20*l*.

CL. CXVII.
Demands not to be
divided for the pur-
pose of bringing two
or more Complaints.

CL. CXVIII.
One of several persons
liable may be sued.

CL. CXIX.
No Evidence to be
given of a Cause of
Action not set forth in
Complaint.

CL. CXX.
Set-off allowed.

CL. CXXI.
Notice of special de-
fences to be given.

CL. CXXII.
Execution to issue
against Goods and
Chattels [in first in-
stance].

CL. CXXIII.
Form of Execution.

* CL. CXXIV.
Costs of Action tried

Actions of Ejectment, when the Property sought to be recovered shall not exceed Twenty Pounds in value, may be brought and tried in a summary way without a Jury, according to the provisions hereinbefore lastly contained with respect to Actions where the debt or damage does not exceed Twenty Pounds, and the Claim for the Land sought to be recovered shall be in the form in the Schedule hereto annexed marked B, and numbered 6; and the Plaintiff in any such Action, or his Agent, shall upon filing the same make a Declaration of the value of the property or land sought to be recovered before one of the Judges of the said Court, and shall annex such Declaration to the Claim filed in the Action.

The Plaintiff shall not divide any cause of Action for the purpose of bringing two or more Suits in a summary way without a Jury; but, having cause of Action for more than Twenty Pounds for which a Complaint may be entered under this Act, may abandon the excess, and thereupon the Plaintiff shall on proving his case recover to an amount not exceeding Twenty Pounds, and the Judgment of the Court upon such Complaint shall be in full discharge of all demands in respect of such cause of action, and entry of the Judgment shall be made accordingly.

Where any Plaintiff shall have any demand recoverable in a summary way without a Jury against two or more persons jointly answerable, it shall be sufficient if any of such persons be served with Process, and Judgment may be obtained and Execution issued against the person or persons so served, notwithstanding that others jointly liable may not have been served or sued, or may not be within the jurisdiction of the Court, and every such person against whom Judgment shall have been obtained under this Act, and who shall have satisfied such Judgment, shall be entitled to demand and recover contributions from any other person jointly liable with him.

Judgment shall be given without further pleading or formal Joinder of any Issue, except as hereinafter mentioned, and no Evidence shall be given by the Plaintiff on the trial of any such Complaint of any demand or cause of action, except such as shall be set forth in the statement hereby directed to be lodged with the Secretary.

Where the Defendant in any Complaint shall have any demands against the Plaintiff previous to the bringing the said Complaint, he shall set off the same in discount of the Plaintiff's demand, giving two days' notice to the Plaintiff thereof before the day for hearing the said Complaint, and the Judgment in such Complaint may be pleaded by the Plaintiff in bar of any demand of an equal nature which the Defendant had against him upon any Complaint to be thereafter brought by the Defendant for the same, and any Defendant having cause of Set-off exceeding Twenty Pounds shall be at liberty to abandon the excess, and set off the same against the Plaintiff's demand; and the Judgment of the Court shall be in full discharge of all demands in respect of such cause of Set-off, and entry of the Judgment shall be made accordingly.

Where a Defendant intends to rely in any Complaint-Action on the special defence of Infancy, Coverture, the Statute of Limitations, or his Discharge under any Statute relating to Bankrupts or any Act for the relief of Insolvent Debtors, or to allege and prove any other special defence, he shall give notice thereof in writing to the Plaintiff and file a copy thereof with the Secretary four days before the day of appearance named in the Writ of Summons, and where such Notice shall not have been given the Justice or Justices, in his or their discretion and on such terms as he or they may think fit, may adjourn the hearing of the cause to enable the Defendant to give such Notice.

Executions upon Judgments obtained in a summary way as aforesaid shall be against the Goods and Chattels of the Defendant, and in default thereof against his Person; and it shall not be necessary for the Plaintiff to lodge any affidavit on any Judgment or Execution in any such Action.

Every Execution upon Judgments obtained in a summary way to be in the Form, and according to the notes at the foot thereof, set forth in Schedule B hereunto annexed and numbered 4, or to the like effect.

Where any Action shall hereafter be brought in the Superior Court of

Judicature for a debt on the recovery of damages, or in Ejectment, which could have been sued for under the Summary Jurisdiction of the Court, the Plaintiff in such Action shall not be allowed to tax as against the Defendant any greater amount for costs than could have been recovered in an Action for the same cause brought under the Summary Jurisdiction of the Court as aforesaid, unless the Judge shall certify that such Action was in his opinion a fit Action to be levied [*? tried*] in the Superior Jurisdiction of the Court: *Provided always*, That no costs, as between party and party, shall be taxed or allowed in the Summary Jurisdiction of the Court for Counsel or Attorney in any case of Debt or Assumpsit without the Special Order of the Court made in each case.

AS TO INSOLVENT DEBTORS.

And whereas many persons in distressed circumstances and unable to pay the whole of their debts may be imprisoned in the Common Gaol of this Island by force of Process issuing out of the Court established by virtue of this Act, and may during the time of such imprisonment be in great danger of perishing through want: for remedy whereof, *Be it enacted* [that] every such person shall be allowed and duly paid by such of his Creditors as shall detain him in prison, in due proportions according to the amount of their demands, the sum of Ten Pence sterling per day, and such payment shall be duly and punctually paid once in every week, and on failure thereof the person or persons so imprisoned shall be discharged out of custody, but the debt or debts for which he hath been imprisoned shall not be thereby released so far as his present or any future property or effects, either real or personal, may be concerned, which notwithstanding such discharge of the person of the debtor out of custody shall remain liable to the payment of his debts: *Provided always*, That if any Creditor or Creditors shall refuse or neglect to contribute their due proportions towards such allowance the debt or debts of such Creditor or Creditors alone shall be deemed released, and the same allowance be paid by the rest of the Creditors: *And provided also*, That every such person so imprisoned shall, within six days after such imprisonment, address a Petition to the Chief Justice and Judges of the Court, setting forth a full Account and Schedule of all his effects, and which Petition shall be lodged in the Secretary's Office, and a copy be served on each Detaining Creditor, with an Order thereon made by the Chief Justice or any other Judge for the hearing thereof; and the Prisoner shall annex to his Petition an Affidavit that he is not possessed of any money or other property not contained in the said Schedule above the value of Five Pounds more than his necessary wearing apparel and the value of his tools or the instruments of his trade, and praying to be admitted to take the Benefit of this Act.

That on the day appointed for the hearing of such Petition every such Petitioner shall be brought up before the Chief Justice or any other Judge, and shall be examined on oath touching the statements contained in such Petition, and if it shall appear that such statements be true, and that the Petitioner is not possessed of any money or other effects applicable to the payment of his debt, the Chief Justice or other Judge shall make an Order for the payment by the Plaintiff to the Petitioner of the allowance aforesaid, and in case there be two or more Detaining Creditors by the Plaintiffs in the proportions aforesaid: *Provided always*, That, on such Affidavit of the Debtor being made as aforesaid he shall be entitled to such allowance from his Detaining Creditor or Creditors from the date of his imprisonment until it can be determined by Order of the Judge whether the Debtor shall be permanently entitled to such allowance during his imprisonment.

AND WITH RESPECT TO FEES TO BE DEMANDED.

In order to prevent illegal demands the Chief Justice if there be one, or the next senior Justice of the Court if there be no Chief Justice or such Chief Justice be sick or absent, and the Secretary and the Marshal, and each of them for the time being, shall be and are hereby required and obliged to have a Docket in a fair legible manner written, and each sum and Fees therein to be written in words at length and arithmetical figures, and to

No. 168.
15th October, 1860.

in Supreme Court, not to be recorded, if cases cognizable by the Court under Summary Jurisdiction.

No costs allowed as between party and party, in cases of debt or assumpsit before the Court, under Summary Jurisdiction.

Insolvent Debtors.

CL. CXXV.
Debtors in custody to be entitled to an allowance.

CL. CXXVI.
Hearing of Debtor's Petition.

Order.

Proviso.

Fees.

CL. CXXVII.
Dockets of Judges, Secretary's and Marshal's Fees to be set up to view by the Secretary in his Office, in one month after the

No. 168.
15th October, 1860.

publication hereof,
under penalty of 40l.

fix up in some conspicuous place in the Secretary's Office for the time being their respective Dockets of all Fees whatsoever for any branch or part of their respective Offices which are hereby settled and appointed for them to take respectively by the authority of this Act; and the same Docket so to fix up within one calendar month next after the publication of this Act, and no other Docket or Fees to be added to or inserted in any such Docket so to be fixed up, under penalty of forfeiting, each, Forty Pounds for every default therein, and in case any new or further Docket or Dockets of Fees should be hereafter settled by any new Act then each of them for whom the same shall be so settled shall cause such new or further Docket or Dockets so to be in like manner fixed up in the said room of the said Secretary's Office, within one calendar month next after the same shall be so settled, under the penalty of forfeiting Forty Pounds, like money, by the person making the default; and the Secretary is hereby enjoined and required, under the like penalty of Forty Pounds, to permit the same Judge's and Marshal's Dockets so settled or to be settled to be so fixed up in the Secretary's Office for the time being, and there to be continued fixed up without causing or willingly suffering the same to be any ways afterwards defaced or altered; and all such Dockets so to be fixed up shall for the first time fixed up, respectively, be attested to be true copies under the respective hands of the person who shall set up the same as aforesaid; and in case the said Docket shall not be so respectively fixed up, then the Chief Justice, or if there be no such or he be sick or absent such Senior Judge, Marshal, or Secretary shall, for each day after the calendar month respectively allowed for fixing up the same shall be expired pay and forfeit Five Pounds until such Docket or Dockets so hereby settled or to be so settled shall be so fixed up as aforesaid according to the directions of this Act, and there to be continued; and when once the Dockets have been so respectively fixed up, if the same or either of them, or any new Copy thereof to be so set up as hereinafter directed, shall happen to be defaced greatly, or shall be torn, taken, or fallen down, the Secretary shall, when and so often as there be occasion, in one week after such defacing, or tearing, taking, or falling down, fix up as before directed a new fair Copy or Copies of the same, attested to be a true Copy or Copies from the Act or Acts for settling said Fees, with his name and hand as Secretary, whether it be his own Docket, or that of the Judge or Marshal, under penalty of forfeiting Five Pounds a day for each default [which] shall be made in such last-mentioned new setting up such Copy or Copies of the Docket, or Dockets, for each Docket default shall be made in; and the Secretary shall be allowed and paid from and out of the public revenue of this Government a reasonable Fee for such new Copy; and all the said Penalties herein laid upon such Chief Justice, Senior Judge, Secretary, or Marshal, shall be recoverable in the said Court by Action of Debt, or by Information before the Justices of Oyer and Terminer, Justices of Gaol delivery, or Justices of the Peace in their Sessions for this Island, one half to the public uses of this Island, and the other half to the person suing for the same; to be tried in the Court where first sued for, and if the person suing do recover he shall also be allowed full costs, and pay all costs if judgment be given against him, or he be nonsuited or discontinued.

CL. CXXVIII.
Establishing Docket
of Fees.

The several Fees and sums of money mentioned and expressed in the Docket of Fees hereunto annexed shall be the standing Fees, and no other or greater Fees shall be taken by the respective persons in the said Docket mentioned, except it shall happen that any Writ or Process or other proceeding, matter or thing, hath been omitted to be mentioned in the said Docket, in which case it shall and may be lawful to and for the Justices of the said Court to allow reasonable rates for the same, as nearly as can be to the several sums allowed by the said Docket for any business of equal trouble; and the Chief Justice, or in his absence the senior Assistant Justice, is hereby authorized to tax the same in costs, and the same Fees shall be added to the said Docket and be taxed and allowed in costs in all subsequent cases by the Secretary: *Provided always*, That nothing herein contained shall be construed to extend to practitioners of the Law, so as to prevent them from receiving such sum or sums of money in compensation

for their trouble as their respective Clients may choose to allow them : *And provided also*, That the Fees in all actions brought under the Summary Jurisdiction of the said Court shall be one-half of the Fees mentioned in the said Docket.

Judgments and Executions obtained, and other proceedings had, by virtue of any former or other Acts of this Island for establishing Courts of Judicature here, are hereby declared to be in full force according to the true intent and meaning of the said Acts respectively, and subject to all Fees and Charges heretofore used and allowed, anything herein contained to the contrary notwithstanding : and all causes commenced by virtue of the said Acts, and still depending, shall and may be prosecuted, and are hereby declared in no wise discontinued. And wherever in any Act of this Colony already passed the Courts of King's Bench, Common Pleas and Error, or either of them, or the Supreme Court of Judicature, or the Judges or Justices of such Courts respectively, or of any or either of them is or are mentioned or referred to, the same shall be construed to have relation to the Court hereby established, and to the Judges and Justices thereof. And whenever in any Act as aforesaid any Act, Deed, Matter or Thing is authorized or required to be done in or before any such Court as aforesaid, or by or before any Judge or Justice thereof, the same shall and may be had and done in or before the Court hereby established, or by or before the Justices or a Justice of the same.

This Act shall not in anywise abstract or interfere with, or be deemed or construed to affect, the provisions of a certain Act of the Imperial Parliament made and passed in the sixth year of the reign of His late Majesty King William the Fourth, entitled "An Act to make provision for the better administration of Justice in certain of His Majesty's West India Colonies," or any Act or Statute of this Island giving effect to the same.

In the construction of this Act the word "Court" shall be understood to mean the Supreme Court of Judicature hereby established ; the word "Judge" shall be understood to mean a Judge of the said Court hereby established ; the word "Justice" shall be understood to mean a Justice of the said Court hereby established ; the word "Secretary" shall be understood to mean the Secretary or his lawful Deputy ; the word "Provost-Marshal" shall be understood to mean the Provost-Marshal or his lawful Deputy ; and all acts hereby authorized to be done by the Principal may be done by his lawful Deputy ; and the word "Action" shall be understood to mean any Personal Action in the said Court.

This Act shall come into operation on and from and after the first day of March which will be in the year of our Lord one thousand eight hundred and sixty-one.

SCHEDULE A.

Number.	Date of the Publication of Act.	TITLE.
1	15th March, 1786.	An Act for establishing Courts of King's Bench, Common Pleas, and Error, and for the better Advancement of Justice in the said Island of St. Vincent, and the Islands of Bequia, and such other of the Grenadines as lie to the Northward of Carriacou in America, and for rendering the former proceedings in the Courts of Common Pleas and Error valid, and for settling certain fees.
2	6th March, 1811.	An Act to explain and amend an Act, entitled "An Act for establishing Courts of King's Bench, Common Pleas, and Error, and for the better Advancement of Justice, in the said Island of St. Vincent, and the Islands of Bequia, and such other of the Grenadines as lie to the Northward of Carriacou in America, and for rendering the former proceedings of the Courts of Common Pleas, and Error, valid, and for settling certain Fees," and to allow the Docket of Fees thereon established.
3	7th Dec. 1811.	An Act to amend and explain an Act, entitled "An Act for establishing Courts of King's Bench, Common Pleas,

No. 168.
15th October, 1860.

CL. CXXIX.
Saving of Proceedings under former Acts or Statutes.

CL. CXXX.
This Act not to affect Act of Parliament for regulating the Administration of Justice in certain West India Colonies.

CL. CXXXI.
Interpretation of Terms.

CL. CXXXII.

No. 169.
15th October, 1860.

Number.	Date of the Publication of Act:	TITLE.
		"and Error, and for the better Advancement of Justice in the Island of St. Vincent and the Island of Bequia, and such other of the Grenadines as lie to the Northward of Carriacou in America, and for rendering the former proceedings of the Courts of Common Pleas, and Error, valid, and for settling certain Fees."
4	10th March, 1815.	An Act to alter and amend an Act, entitled "An Act for establishing Courts of King's Bench, Common Pleas, and Error, and for the better Advancement of Justice in the Island of St. Vincent and the Island of Bequia, and such other the Islands commonly called the Grenadines, as lie to the Northward of Carriacou in America, and for rendering the former proceedings of the Courts of Common Pleas, and Error, valid, and for settling certain Fees."
5	10th June, 1815.	An Act to amend an Act, entitled "An Act to amend an Act for establishing Courts of King's Bench, &c., &c."
6	28th March, 1817.	An Act to alter and amend an Act, entitled an Act to alter and amend two Acts, entitled "An Act for establishing Courts of King's Bench, Common Pleas, and Error, &c., &c.," and "An Act for establishing a Court of Grand Sessions of the Peace, as far as regards the Docket of Fees attached to the Provost-Marshall's Office, as recited by the two aforesaid Acts."
7	23rd March, 1820.	An Act to repeal the first clause of an Act, made in the Fifty-fifth year of His present Majesty's Reign, intituled "An Act to alter and amend an Act, intituled 'An Act for establishing Courts of King's Bench, and Common Pleas, and Error, &c., &c.,' also an Act made in the Fifty-ninth year of His present Majesty's Reign, intituled "An Act to amend and explain an Act, intituled 'An Act to alter and amend an Act, intituled "An Act for establishing Courts of King's Bench and Common Pleas, and Error, &c., &c.," and to alter and amend the said Act, intituled "An Act for establishing Courts of King's Bench, &c., &c."
8	9th Sept. 1823.	An Act for regulating the payments of Executions lodged in the Marshal's Office.
9	12th Sept. 1827.	An Act to confirm the Sales of Property in Execution by the Marshal.
10	3rd Sept. 1828.	An Act to explain and amend so much of "An Act of The Court Act" as relates to the levying of Executions."
11	5th March, 1829.	An Act to alter and amend an Act, intituled "An Act to explain and amend so much of 'The Court Act' as relates to the levying of Executions."
12	10th April, 1838.	An Act to settle the style and title of the Courts commonly called "The Court of King's Bench and Common Pleas of the Island of St. Vincent," and to prevent cavils concerning the same.
13	30th July, 1844.	An Act to increase the amount for which Complaint-Actions shall be heard and determined in the Supreme Court of Judicature.
14	12th March, 1850.	An Act to amend an Act for establishing Courts of King's Bench, Common Pleas, and Error, and for the better Advancement of Justice in the said Island of St. Vincent, and the Islands of Bequia, and such other of the Grenadines as lie to the Northward of Carriacou in America, and for rendering the former proceedings of the Courts of Common Pleas and Error valid, and for settling certain Fees, to provide for the more convenient sitting of the Supreme Court of Judicature, and to extend the provisions of a certain other Act of this Island, intituled "An Act to settle the style and title of the Court commonly called the Court of King's Bench and Common Pleas of the Island of St. Vincent, and to prevent cavils concerning the same."
15	7th Sept. 1852.	An Act to repeal a part of the Eleventh Clause of "The Court Act," and to settle form of Execution in all cases.
16	7th Dec. 1857.	An Act to extend the jurisdiction of the Supreme Court of Judicature in Complaint-Actions.

SCHEDULE B.

No. 1.—WRIT OF SUMMONS.

No. 168.
15th October, 1860.

ST. VINCENT.

VICTORIA, *by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.**To the Provost-Marshal**Greeting :*

WE command you to Summon , to be and appear at our
next Supreme Court of Judicature, to be held for this Island the *
day of , at the town of Kingstown, then and there to answer

in an Action : Hereof let
not fail at peril.

Witness : The Honourable , our Justice of our said
Court, the day of , in the
year of our reign.

Passed the Secretary's Office.

* In Complaint-Actions, here insert the day of the month on which the Tuesday
following the day of sitting of the Supreme Court of Judicature may fall for trial of
Jury Actions.

SCHEDULE B.

No. 2.

ST. VINCENT.

IN THE SUPREME COURT OF JUDICATURE.

*Plaintiff.**Defendant.*

the day of , in the year of
our Lord one thousand eight hundred and

And the Defendant says nothing in bar or preclusion of the said Action of
the said Plaintiff, whereby the Plaintiff remains undefended against the said
Defendant, wherefore the Plaintiff ought to recover his damages against the
Defendant on occasion of the Premises : but because it is unknown to the Court
here what damages the Plaintiff hath sustained by means of the Premises,—
Therefore, let the same be inquired of by a Jury of the Jurors summoned pur-
suant to the Act in such case made and provided, at the Court to be holden on
the day of , this instant month of
the same day is given to the Plaintiff.

SCHEDULE B.

No. 3.

MARSHAL'S OFFICE, St. Vincent, 18 .

A. B. [*naming the Juror*] is to appear as a Juror at the next
Supreme Court of Judicature, to be held on the day of

C. D.,
Provost-Marshal.

No. 4.—WRIT OF EXECUTION.

ST. VINCENT.

VICTORIA, *by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.**To the Provost-Marshal**Greeting :*

WHEREAS at our Supreme Court of Judicature, held on the
day of , in the year of our Lord one thousand eight hundred
and , Judgment was obtained against at the
Suit of , for the sum of with costs.
We do, therefore, require and command you forthwith to levy the same, with
the costs taxed hereon, and all subsequent costs of this Execution, on the Goods
and Chattels, Lands, Tenements, Hereditaments, Rent Charges, Annuities,
and Debts belonging to the said , and in case you cannot
immediately find sufficient Goods and Chattels, Lands, Tenements, Heredita-
ments, Rent Charges, Annuities, and Debts of the said
you are to attach the bod of the said and
safely to keep until the said Judgment be satisfied : and of your proceedings

No. 168.
15th October, 1860.

herein you are to make a Return within sixty days from the date of this Writ, and hereof fail not, as you will answer the contrary at your peril.

Witness: The Honourable _____ our Justice
of our said Court, the _____ day of _____, in the year of
our Lord _____, and in the _____ year of our reign.
Passed the Secretary's Office.

Directions as to Exe-
cutions against Execu-
tors and Administra-
tors or Heirs and
Devisees.

NOTE.—When Executions are against Executors or Administrators upon Judgments on the Goods of any Testator, or Intestate, or against heirs and devisees, or heirs or devisees, the Writ of Execution to be altered accordingly, and if the debt carries interest, insert the date from which, and the rate at which, the party is entitled to recover it.

SCHEDULE B.

Directions as to Exe-
cutions under Sum-
mary Jurisdiction.

When Executions issue under the Summary Jurisdiction of the Court, omit the words, "Lands, Tenements, Hereditaments, and Charges, Annuities, and "Debts:" also instead of sixty days, say thirty days.

No. 5.—RECOGNIZANCE TO BE ENTERED INTO BY PURCHASER OF REAL ESTATE SOLD UNDER EXECUTION.

WHEREAS ON [stating the day and year] the Lands and Tenements of *C. D.* [naming the Defendant's name] were sold at Outcry, and were then bought by the said *A. B.* [naming the purchaser's name] for the sum of _____, which Lands and Tenements were as follows, that is to say:—All that piece or parcel of land [mentioning the quantity and butts and bounds of the land, and where lying, and describing the buildings and improvements thereon, as near as may be]. Now the condition of this Recognizance is such, that if the above bounded *A. B.*, his heirs, executors, or administrators do well and truly pay or cause to be paid unto the said Provost-Marshal, or his successors, within eight calendar months next ensuing the date hereof, the said sum of _____ in such manner as the Law shall then require of persons purchasing Lands and Tenements of Defendants sold in execution in this Island, with interest also from the day of the date hereof until actual payment: such interest to be at the rate settled by law, with a further forfeiture also, at the rate of Twenty per Centum in gross upon the last-mentioned sum, in case of non-payment thereof on the last-mentioned day, to be applied in due course of law for the use of the creditors of the said *C. D.* Then the above Recognizance to be void, or else to remain in full force.

No. 6.—COMPLAINT IN EJECTMENT.

ST. VINCENT.

IN THE SUPREME COURT OF JUDICATURE.

(Summary Jurisdiction.)

A. B. C.,
D. E. F.,

Plaintiffs.
Defendants.

The _____ day of _____ 18 .

(Date of Filing.)

A. B. C. by their Attorney [or in their own proper person] complain of *D. E. F.*, for that the said Plaintiffs [or some or one of them] on the day of _____, 18 ., became and were and are still entitled to the quiet and peaceable possession of No. _____, in the Parish of No. _____, and the Defendants wrongly assumed the possession thereof, and still withhold the same from the Plaintiffs, and therefore the Plaintiffs pray judgment against the said Defendants to recover the possession of the said Lands or Premises [in case of Ejectment on the title where the Plaintiffs seek to recover mesne rents add] and compensation in damages for the loss of the mesne rents and profits of the said premises while the possession thereof was withheld from the said Plaintiffs to the amount of _____ [as in the case of Personal Actions.]

THE DOCKET OF FEES,

Referred to by the foregoing Act.

JUDGE'S FEES.

	£	s.	d.
For every Writ under his hand and seal	0	7	0
For every Subpoena	0	7	0
Every Affidavit	0	7	0
Ditto when he goes from home on purpose	1	7	6
For every Judgment	0	7	0

	£	s.	d.	No. 168. 15th October, 1860.
For every Witness examined in Court	0	3	6	
For allowance of a Writ of Error	1	7	6	
Marking the Record	0	13	9	
Transcript of the Record returned under his hand and seal	0	13	9	
For every Bail in Court or out of Court	0	7	0	
For every examination of a <i>Femme Covert</i> for a conveyance of any land, &c.	0	13	9	
For ditto if he goes from home on purpose	1	7	6	
For taxing a Bill of Costs	0	3	6	
For Probate of every Deed, or Writ for each Witness sworn	0	7	6	
Admission of an Infant by his Guardian	0	7	0	
Commitment of every Prisoner offending against this Act	0	7	0	
Admission of every Barrister or Attorney	2	15	0	
For every Summons	0	7	0	
For every Motion and Order at Chambers	0	7	0	
Exemplification and Examination of a Record	0	7	0	
For Summons and attendance at his own house to administer Interrogatories to Debtor on attachment	0	7	0	
Ditto when he goes from Home on purpose	1	7	6	
For every continuance after the first	0	13	9	
In Court of "Summary Jurisdiction," one-half of what is allowed in the Supreme Court of Judicature.				

SECRETARY'S FEES.

For Filing Declaration on <i>Scire Facias</i> , copying ditto, attesting Copy, drawing Summons to Declaration, passing ditto, minuting Action in the Entry Book, entering ditto in the Court Book, and entering Marshal's Return of Service	0	7	0
For each extra Copy of a Declaration when more Defendants than one, Eight Pence for every ninety-six words, or	0	3	6
For copying every Paper for every ninety-six words	0	0	8
For filing every Paper	0	0	8
For attesting every Paper	0	1	9
For entering every Evidence in the Court Book and swearing the same in Court	0	0	8
For each person in a Subpoena to give evidence	0	0	8
For Copy of Plea, Replication, Rejoinder, Surrejoinder, Rebutter, Surrebutter, Demurrer, or Joinder in Demurrer	0	7	0
For Continuance, Discontinuance, or Nonsuiting any Action	0	0	8
For entering appearance each Counsel	0	0	8
For Issue and Trial entering Verdict and Judgment	0	3	6
For amendment of Record by order of Court or Judge	0	3	6
For entering and recording Warrant of Attorney to confess Judgment, and giving Receipt for the same	0	3	6
For drawing, passing, and taxing Costs on Execution, and entering Marshal's Return	0	3	6
For taxing each Bill of Costs	0	4	2
For an attested Copy of an Execution	0	2	0
For a <i>Fieri Facias</i>	0	3	6
For a Copy of a Verdict	0	0	8
Ditto of a Special ditto for any ninety-six words	0	0	8
For Referring an Action each Referee	0	0	8
For Drawing Bond, attesting Execution of Ditto, drawing Certificate of Security being given, Signing ditto, passing Writ of Error, Filing ditto	1	7	6
Making out Transcript for every ninety-six words	0	0	8
Filing Transcript or any other proceeding	0	2	6
Filing Affidavit to ground an Arrest, drawing Arrest, passing ditto, and entering Marshal's Return	0	3	6
Drawing and taking Acknowledgment of Upper Bail and Filing Bail Piece	0	3	9
Warrant of Attachment for Contempt	0	4	2
Filing Pledges to Prosecute Writ of Replevin, drawing Bond and witnessing ditto, drawing Writ and passing ditto	0	10	5
Partition, reciting the Judgment and Premises fully, passing ditto and entering Marshal's Return	0	7	0
Minuting Motion in Court, drawing Order thereon, and Copy of Order	0	3	6

No. 168.
15th October, 1860.

	£	s.	d.
Drawing Execution for Twenty per cent. on forfeited Recognizance, reciting former Execution, Levy, Sale, Recognizance and Forfeiture, passing ditto, taxing further Costs, and entering Marshal's Return	0	7	0
Execution for Twenty per cent. on default of entering into Recognizance on Land purchased, passing ditto, and entering Marshal's Return	0	7	0
Execution for Twenty per cent. on forfeiture of Bond for the forthcoming of Stock, et cætera, passing the same, and Marshal's Return	0	7	0
Searching the Court Records where Officer required to do so	0	1	9
For a Witherman	0	2	6
Entering Satisfaction	0	5	0
Drawing <i>Habeas Corpus</i> , passing ditto, Filing Fiat and Return	0	3	6
Attending Judge, drawing Order, and Minuting ditto, and taxing Costs on ditto	0	5	6
Venire for a Special Jury, including attendance and striking Jury	0	10	0
Admission of a Barrister or Attorney of the Court, and Certificate	0	13	9
For every Writ, when no other Fee provided by the Docket	0	3	6

For every Fee arising in the Court of "Summary Jurisdiction," one-half as much as is allowed for the like business in the Supreme Court of Judicature.

Commission on all Moneys paid into Court, One Pound for every One Hundred Pounds, and after that rate for every greater or less sum, and for every sum under Ten Pounds, Two Shillings.

Assessment of Judgment in Court or Chambers	0	5	0
Certificate of the Filing of Memorandum of Error	0	5	0
Filing Recognizance and Security of Bail	0	2	6

MARSHAL'S FEES.

For serving a Summons to Court with a Declaration, or to appear before a Judge, if on the Island	0	11	3
Ditto in any other Island within the Government	3	0	0
Receiving and Entering an Execution and giving a Receipt	0	5	7
For the Publication for Sale of Goods and Chattels taken in Execution	0	15	0
Ditto of Lands, et cætera	1	10	0
Executing a Writ of Possession of Lands	3	0	0
Ditto for Horses or other Cattle, for each Beast	0	1	10
Bill of Sale for Lands and Tenements when sold together, which he must draw if required	3	0	0
For each Witness subpoenaed	0	10	0
Safe conducting a Prisoner to and from Court, or a Judge at Chambers, upon a Writ of <i>Habeas Corpus</i> or otherwise	0	7	6
Summoning, Swearing, and Impannelling a Jury on a Partition or Dower, or viewing of Lands, and attendance per day, drawing and making their Return to Court	3	0	0
Mile money, each mile, executing the same	0	1	10
Executing a Warrant of Arrest, if in Kingstown	0	15	0
Mile Money, each mile, executing the same if out of Kingstown	0	1	3
Bail Bond, on Arrest	0	7	6
Assignment thereof	0	3	9
Bond taken on Execution	0	7	6
Executing a Warrant of Arrest on board a Vessel	1	10	0
For raising the Posse	2	1	8
For levying an Execution at the rate of Five Pounds per cent. on the first Forty Pounds, Two and a half per cent. On any further sum not exceeding Eight Hundred Pounds, and One and a half per cent. on any larger sums, on all such sums as he shall receive on Sale.			
For levying an Execution under Twenty Pounds, where no Sale is made	0	10	0
Ditto above Twenty Pounds, and under Forty Pounds	0	15	0
Ditto above Forty Pounds, and under Two Hundred Pounds	3	0	0
Ditto for all Sums above Two Hundred Pounds	4	10	0
For entering Satisfaction on an Execution	0	7	6
For Summoning every Special Jury	4	10	0

	£ s. d.	No. 168. 15th October, 1860.
For executing a Writ of Inquiry of Damage and Waste, Summoning and attending Jurors, and drawing their Return and making it to Court, per day	3 0 0	
For a Copy of Execution and Summons served on Debtor or Defendant to attach Money due	0 15 0	
For executing every Writ of Replevin and Return	0 15 0	
For Certificate of Execution against a Defendant, each Execution	0 3 9	
For every Fee arising in the Court of Complaints, the half as much as is always allowed for the like business in the Supreme Court of Judicature.		
For Assignment of Execution	0 7 6	
For Serving a Notice of Levy	0 7 6	

COUNSEL'S FEES.

Entering up a Warrant of Attorney, with Bond or otherwise, for more than Twenty Pounds	0 13 4
Ditto Twenty Pounds and under	0 7 0
Drawing a Declaration	1 7 6
Drawing a Special Plea, Replication, Rejoinder, Surrejoinder, Rebutter, Surrebutter, or Demurrer, or Joinder in Demurrer, per Copy, Sheet	1 7 6
For an Argument, or Speaking to a Cause, whether for Plaintiff or Defendant, together with Motion for recording Verdict and entering Judgment on Declaration	1 7 6
For drawing a <i>Scire Facias</i> and moving to revive Judgment	1 7 6
Every Motion before the Court or a Judge	1 7 6
For drawing and signing Brief and Opinion on Title Deeds of Lands and Tenements put up to Sale by the Marshal	4 3 4
Drawing a Deposition relating to any Cause, and attendance thereon	0 10 5
Drawing, Engrossing, Signing and Serving a Notice	0 2 6
Attendance in the Country, and taking examination of a Witness there	1 7 6
Ditto in Kingstown	0 13 9
Making Paper Books for Judges upon Special Cases, for every ninety-six words	0 0 10
Serving ditto	0 3 6
Setting, stating, drawing, and engrossing Special Verdict or Special Case, for every ninety-six words	0 0 10
Drawing Bail Piece and attending Acknowledgment	0 3 6
Entering Appearance	0 13 9
Drawing Warrant to Sue or Defend	0 5 0
Drawing Præcipe for Writ	0 5 0
Attendance of Counsel in Court on adjournment	0 10 6
Attendance on Secretary to appoint day for Taxation	0 3 4
Ditto ditto on Taxation	0 6 8
Drawing Summons and Copy to tax Costs before Chief Justice, and Service	0 5 0
Attendance before Chief Justice to appoint day for Taxation	0 3 4
Ditto ditto on Taxation	0 6 8
Drawing Particulars of Demand in Duplicate	0 5 0
Drawing Judgment, every ninety-six words	0 0 8
Brief Copy of Special Actions, every ninety-six words	0 0 8
Application to Judge for Summons	0 13 9
Service of Summons	0 2 6
Attendance on Judge for Order	0 10 6
Amending Plea, Replication, or other Pleading	0 10 6
For each Affidavit	0 7 0

No. 169.

An Act to amend the Law relating to the Action of Ejectment.

[Assented to 15th October, 1860.]

WHEREAS it is expedient to substitute a more simple mode of proceeding by Ejectment than that heretofore in use; *Be it enacted* by the Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies:—

Preamble.

No. 169.
15th October, 1860.

CL. I.
Short Title of Act.

CL. II.
Interpretation of
Terms.

Ejectment.

CL. III.
Action of Ejectment
how to be brought.

Proviso.
Any number of De-
fendants may be in-
serted in Writ.

CL. IV.
Form of Writ of Eject-
ment, and how and
when returnable.

CL. V.
Service of Writ of
Ejectment.

CL. VI.
Appearance of persons
to Actions of Eject-
ment.

CL. VII.
Appearance of persons
not named.

CL. VIII.
Appearance and de-
fence by Landlord.

CL. IX.
Notice to defend for
part only.

That in citing this Act in any other Act of the Legislature of this Government, and in all legal instruments, it shall be enough to use the expression, "The Ejectment Act, 1860."

In the construction of this Act the word "Court" shall be understood to mean the Supreme Court of Judicature; the word "Judge" shall be understood to mean a Judge of the said Court; the word "Secretary" shall be understood to mean the Secretary or his lawful Deputy; the words "Provost-Marshall" shall be understood to mean the Provost-Marshall or his lawful Deputy; and all Acts hereby authorized to be done by the Principal may be done by his lawful Deputy.

With respect to the Action of Ejectment, *Be it enacted* as follows:—

Instead of the present proceeding by Ejectment for the recovery of any lands, tenements, or hereditaments, the immediate Tenants, or any one Tenant in possession, shall be made the Defendants, and a Declaration shall be filed at the same time and in the same manner as in the case of personal actions, and shall be served on each Defendant with a Writ issuing out of the Supreme Court of Judicature directed to each Defendant as hereinafter mentioned, and such Declaration shall contain the description of the property sought to be recovered with reasonable certainty, and in cases of Ejectment on the Title it shall be lawful for the Plaintiff in his Declaration to claim damage for the loss of the mesne profits of the land sought to be recovered, and in case of Ejectment for nonpayment of rent, the Declaration shall be accompanied with full particulars of the rent due, and of all credits to which the Defendant shall be justly entitled, and shall be in the form contained in the Schedule A to this Act annexed, marked number 1, or to the like effect: *Provided always*, That any number of Defendants may be inserted in any Writ to be issued pursuant to the provisions aforesaid.

The Writ shall be annexed to the Declaration, and shall state the names of all the persons in whom the Title is alleged to be, and command the person to whom it is directed to appear in the Supreme Court of Judicature at the sittings of the Court to be held next following the *teste* thereof to defend the possession of the property described in the Declaration, or for such part thereof as he may think fit; and it shall contain a notice that in default of appearance he will be turned out of possession, and the Writ shall bear *teste* of the day on which it is issued, and shall be returnable in like manner as Writs of Summons issuing out of the Supreme Court of Judicature in Personal Actions, and shall be in the form contained in the Schedule A to this Act annexed, marked 2, or to the like effect.

The Writ of Ejectment and Declaration shall be served in the same manner as an Action of Ejectment has heretofore been served, and within the time required by Law in the case of a Personal Action commenced in the Supreme Court of Judicature, or in such manner as the Court or a Judge shall order, and in case of vacant possession by posting a copy of the Writ and Declaration upon the door of the dwelling-house, or other conspicuous part of the property.

The persons named as Defendants in such Writ and Declaration, or either of them, shall be allowed to appear within the time allowed for Defendants to appear, plead, or demur, in Personal Actions.

Any other person not named in such Writ and Declaration shall, by leave of the Court or a Judge, be allowed to appear and defend, on filing an Affidavit showing that he is in possession of the Land either by himself or his Tenant.

Any person appearing to defend as Landlord, in respect of property whereof he is in possession only by his Tenant, shall state in his appearance that he appears as Landlord; and such person shall be at liberty to set up any defence which a Landlord appearing in an Action of Ejectment has heretofore been allowed to set up, and no other.

Any person appearing to such Declaration shall be at liberty to limit his Defence to a part only of the property mentioned in the Declaration, describing that part with reasonable certainty in a notice intituled in the Court and Cause, and signed by the party appearing or his Attorney, such notice to be served within four days after Appearance upon the Attorney

whose name is endorsed on the Declaration, if any, and to be filed in the Secretary's Office, and an Appearance without such notice confining the defence to part shall be deemed an Appearance to defend for the whole.

Want of "reasonable certainty," in the description of the property, or part of it, in the Declaration or Notice shall not nullify them, but shall only be a ground for an application to a Judge for better particulars of the Land claimed or defended, which a Judge shall have power to give in all cases.

The Court or a Judge shall have power to strike out or confirm Appearances and Defences set up by persons not in possession by themselves or their Tenants.

In case no Appearance shall be entered within the time appointed, or if an Appearance be entered but the Defence be limited to part only, the Plaintiff shall be at liberty to sign a Judgment that the person whose title is asserted in the Declaration shall recover possession of the Land, or of part thereof to which the Defence does not apply, which Judgment, if for all, may be in the form contained in the Schedule A to this Act annexed, marked number 3, or to the like effect, and if for part may be in the form contained in the same Schedule marked number 4, or to the like effect.

Every Defence to a Declaration in Ejectment on the Title shall be in the form contained in the Schedule A to this Act annexed, marked number 5, or to the like effect, and every Defence to an Ejectment for nonpayment of rent shall set forth the substantial ground of the Defence—as, for example, whether the Title of the Plaintiff as Landlord is disputed, or the fact of the rent being due if in dispute; and such Defence shall be endorsed with the particulars of any payments made, and shall be in the form contained in the Schedule A, to this Act annexed marked number 6, or to the like effect; and every such Defence shall be filed in the Secretary's Office twenty-one days before the holding of the second Court after the service of the Declaration in Ejectment, and notice thereof shall be served on the opposite party as is usual in other cases.

In case an Appearance shall be entered an Issue may at once be made up without any pleadings by the Claimants or their Attorney, setting forth the Declaration and stating the fact of the Appearance with its date and the notice limiting the Defence, if any, of each of the parties appearing, together with the Defence set up, so that it may appear for what Defence is made and on what grounds, and such Issue Paper shall be filed in the Secretary's Office ten days before the second Court after the service of the Declaration; and Trial shall be had upon the Issue in the same manner as in Personal Actions, unless the Court shall see fit to postpone the Trial; and the question at the Trial shall, except in the cases hereafter mentioned, be whether the statement in the Declaration of the Title of the claimants is true or false, and if true, then which of the claimants is entitled, and whether to the whole or part, and if to part, then to which part of the property in question.

By consent of the parties, and by leave of the Court, a Special Case may be stated according to the practice heretofore used in the Superior Courts of Common Law at Westminster.

The Claimants may, if no Special Case be agreed to, proceed to Trial upon the Issue in the same manner as in other Actions, and the question at the Trial shall, except in the cases hereafter mentioned, be whether the statement in the Declaration of the Title of the Claimants is true or false, and if true, then which of the Claimants is entitled, and whether to the whole or part, and if to part, then to which part of the property in question; and the entry of the verdict may be made in the form contained in the Schedule A to this Act annexed marked number 7, or to the like effect, with such modifications as may be necessary to meet the facts.

In case the Title of the Claimant shall appear to have existed as alleged in the Declaration and at the time of service thereof, but it shall also appear to have expired before the time of Trial, the Claimant shall notwithstanding be entitled to a verdict according to the fact that he was so entitled at the

No. 169.
15th October, 1860.

CL. X.
Want of certainty
cured by particulars.

CL. XI.
Defence by persons
not in possession.

CL. XII.
Judgment for Default
of Appearance or
Defence.

CL. XIII.
Form of Defence in
Ejectment.

Defence to be filed in
the Secretary's Office.

CL. XIV.
Issue how made up.

CL. XV.
Special Case may be
stated.

CL. XVI.
Trial of Issue.

CL. XVII.
Verdict when Title
appears to have ex-
pired before Trial.

No. 169.
15th October, 1850.

CL. XVIII.
Non-appearance at
Trial.

CL. XIX.
Special Verdict and
Bill of Exceptions.

CL. XX.
Judgment upon find-
ing for Claimant.

CL. XXI.
Judgment upon find-
ing for Defendant.

CL. XXII.
Execution for Reco-
very of Possession and
Costs may be joint or
separate.

CL. XXIII.
Defence by Joint Ten-
ants, Tenants in Com-
mon or Coparcener.

CL. XXIV.
Trial and Judgment in
Ejectment against
Joint Tenants, Tenants
in Common and Co-
parceners.

CL. XXV.
Action not to abate by
Death.

CL. XXVI.
Proceeding upon
Death before Trial
where right survives.

CL. XXVII.
Proceedings upon
Death before Trial
where right does not
survive.

time of bringing the Action, and serving the Declaration, and to a Judgment for his costs and suit.

If the Defendant appears, and the Claimant does not appear at the Trial, the Claimant shall be nonsuited, and if the Claimant appears and the Defendant does not appear, the Claimant shall be entitled to recover as heretofore without any proof of his Title; and in case of Ejectment on the Title shall be entitled to prove the amount of damages sustained by reason of the loss of the mesne profits, and in case of an Ejectment for nonpayment of rent shall be entitled to prove the amount of rent actually due, and to have a verdict for the same.

The Jury may find a Special Verdict, or either party may tender a Bill of Exceptions.

Upon a finding for the Claimant, Judgment may be signed and Execution issue for the recovery of possession of the property, or such part thereof as the Jury shall find the Claimant entitled to; and in case of an Ejectment on the Title, such damages for loss of mesne profits as shall be found by said Jury; and in case of Ejectment for nonpayment of rent, for recovery of so much rent as shall be found to be due, and for costs.

Upon a finding for the Defendants or any of them, or upon a nonsuit, Judgment may be signed and Execution issue for costs against the Claimants named in the Declaration.

Upon any Judgment in Ejectment for Recovery of Possession and Costs, there may be either one Writ or separate Writs of Execution for the recovery of possession, and for damages of the rent ascertained to be due, and for the costs, at the election of the Claimant.

In case of such an Action being brought by some or one of several persons entitled as Joint Tenants, Tenants in Common, or Coparceners, any Joint Tenant, Tenant in Common, or Coparcener in possession may at the time of appearance, or within four days after notice given in the same form as in the notice of a limited defence that he or she defends as such, and admits the right of the Claimant to an undivided share of the property (stating what share), but denies any actual ouster of him from the property, and may within the same time file an Affidavit stating with reasonable certainty that he or she is such Joint Tenant, Tenant in Common, or Coparcener, and the share of such property to which he or she is entitled, and that he or she has not ousted the Claimant, and such notice shall be entered in the Issue in the same manner as the notice limiting the Defence, and upon the Trial of such an Issue the additional question of whether an actual ouster has taken place shall be tried.

Upon the Trial of such Issue as last aforesaid, if it shall be found that the Defendant is Joint Tenant, Tenant in Common, or Coparcener with the Claimant, then the question whether an actual ouster has taken place shall be tried, and unless such actual ouster shall be proved the Defendant shall be entitled to Judgment and costs; but if it shall be found either that the Defendant is not such Joint Tenant, Tenant in Common, or Coparcener, or that an actual ouster has taken place, then the Claimant shall be entitled to such Judgment for the recovery of possession and costs.

The Death of a Claimant or Defendant shall not cause the Action to abate, but it may be continued as hereinafter mentioned.

In case the right of the Deceased Claimant shall survive to another Claimant a suggestion may be made of the death, which suggestion shall not be traversable, but shall only be subject to be set aside if untrue, and the Action may proceed at the Suit of the surviving Claimant; and if such a suggestion shall be made before the Trial, then the Claimant shall have a verdict, and recover such Judgment as aforesaid, upon its appearing that he was entitled to bring the Action either separately or jointly with the deceased Claimant.

In case of the Death before Trial of one of the several Claimants whose right does not survive to another or others of the Claimants, where the legal representative of the deceased Claimant shall not become a party to the Suit in the manner hereinafter mentioned, a suggestion may be made of the death, which suggestion shall not be traversable, but shall only be

subject to be set aside if untrue, and the Action may proceed at the Suit of the surviving Claimant for such share of the property as he is entitled to, and costs.

No. 169.
15th October, 1860.

In case of a Verdict for two or more Claimants, if one of such Claimants die before Execution executed the other Claimant may, whether the legal right to the property shall survive or not, suggest the death in manner aforesaid and proceed to Judgment and Execution for recovery of possession of the entirety of the property, and the costs; but nothing herein contained shall affect the right of the legal representative of the deceased Claimant, or the liability of the surviving Claimant to such legal Representative, and the entry and possession of such surviving Claimant under such Execution shall be considered as an entry and possession on behalf of such legal Representative in respect of the share of the property to which he shall be entitled as such Representative, and the Court may direct possession to be delivered accordingly.

CL. XXVIII.
Upon Death of one of several Claimants having obtained a Verdict.

In case of the Death of a sole Claimant, or, before Trial, of one of several Claimants whose right does not survive to another or others of the Claimants, the legal Representative of such Claimant may, by leave of the Court or a Judge, enter a suggestion of the death and that he is such legal Representative, and the Action shall thereupon proceed, and if such suggestion be made before the Trial, the truth of the suggestion shall be tried thereat together with the Title of the deceased Claimant, and such Judgment shall follow upon the Verdict in favour of or against the person making such suggestion as hereinbefore provided with reference to a Judgment for or against such Claimant; and in case such suggestion in the case of a sole Claimant be made after Trial, and before Execution executed by the delivery of possession thereupon, and such suggestion be denied by the Defendant within eight days after notice thereof, or such further time as the Court or a Judge may allow, then such suggestion shall be tried, and if upon the Trial thereof a Verdict shall pass for the person making such suggestion he shall be entitled to such Judgment as aforesaid for the recovery of possession, and for the costs of and occasioned by such suggestion; and in case of a Verdict for the Defendant, such Defendant shall be entitled to such Judgment as aforesaid for costs.

CL. XXIX.
Proceedings in case of Death of Claimant when right does not survive.

In case of the Death before or after Judgment of one of several Defendants in Ejectment who defend jointly, a suggestion may be made of the death, which suggestion shall not be traversable but only be subject to be set aside if untrue, and the Action may proceed against the surviving Defendant to Judgment and Execution.

CL. XXX.
Proceedings upon Death of several Joint Defendants.

In case of the Death of a sole Defendant or of all the Defendants in Ejectment, before Trial, a suggestion may be made of the death, which suggestion shall not be traversable, but only be subject to be set aside if untrue, and the Claimants shall be entitled to Judgment for recovery of possession of the property, unless some other person shall appear and defend within the time to be appointed for that purpose by the order of the Court or a Judge, to be made upon the application of the Claimants; and it shall be lawful for the Court or a Judge upon such suggestion being made, and upon such application as aforesaid, to order that the Claimant shall be at liberty to sign Judgment within such time as the Court or Judge may think fit unless the person then in possession by himself or his Tenant, or the legal Representative of the deceased Defendant shall, within such time, appear and defend the Action; and such Order may be served in the same manner as the Writ, and in case such person shall appear and defend the same, proceedings may be taken against such new Defendant as if he had originally appeared and defended the Action, and if no appearance be entered and defence made, then the Claimant shall be at liberty to sign Judgment pursuant to the order.

CL. XXXI.
Upon Death of all Defendants.

In case of the Death of a sole Defendant or of all the Defendants in Ejectment after Verdict, the Claimant shall nevertheless be entitled to Judgment as if no such death had taken place, and to proceed by Execution for recovery of possession without suggestion or revive, and to proceed for the recovery of the costs, in like manner as upon any other Judgment for

CL. XXXII.
Upon Death of all Defendants in Ejectment after Verdict.

No. 169.
15th October, 1860.

CL. XXXIII.
Upon Death before
Trial of Defendant in
Ejectment who de-
fends separately for
part.

CL. XXXIV.
Upon Death of a De-
fendant defending
separately for property
in respect of which
others also defend.

CL. XXXV.
Claimant may discon-
tinue by notice.

CL. XXXVI.
Discontinuance of
Action by one of
several Claimants.

CL. XXXVII.
Judgment for not pro-
ceeding to Trial after
notice.

CL. XXXVIII.
Defendant may con-
fess the Action.

CL. XXXIX.
Confession by one of
several Defendants
defending separately
for part.

CL. XL.
Confession by one of
several Defendants
who defend for same
property.

money, against the legal Representatives of the deceased Defendant or Defendants.

In case of the Death before Trial of one of the several Defendants in Ejectment who defends separately for a portion of the property, for which the other Defendant or Defendants do not defend, the same proceedings may be taken as to such portion as in the case of a sole Defendant, or the Claimants may proceed against the surviving Defendants in respect of the portion of the property for which they defend.

In case of the Death before Trial of one of several Defendants in Ejectment who defends separately in respect of property for which surviving Defendants also defend, it shall be lawful for the Court or a Judge, at any time before the trial, to allow the person at the time of the death in possession of the property as the legal Representative of the deceased Defendant to appear and defend on such terms as may appear reasonable and just, upon the application of such person or Representative, and if no such application be made or leave granted, the Claimant suggesting the death in manner aforesaid may proceed against the surviving Defendant or Defendants to Judgment and Execution.

The Claimant in Ejectment shall be at liberty at any time to discontinue the Action as to one or more of the Defendants by giving to the Defendant or his Attorney a notice, headed in the Court and Cause and signed by the Claimant or his Attorney, stating that he discontinues such Action; and thereupon the Defendant to whom such notice is given shall be entitled to and may forthwith sign Judgment for costs, in the form contained in the Schedule A. to this Act annexed, marked Number 8, or to the like effect.

In case one of several Claimants shall be desirous to discontinue, he may apply to the Court or Judge to have his name struck out of the proceedings, and an Order may be made thereupon, upon such terms as to the Court or Judge may seem fit, and the Action shall thereupon proceed at the suit of the other Claimants.

If after Appearance entered the Claimant, without going to Trial, allow the time allowed for going to Trial by the practice of the Court in ordinary cases after issue joined to elapse, the Defendant in Ejectment may give twenty days' notice to the Claimant to proceed to Trial at the Court next after the expiration of the notice, and if the Claimant afterwards neglects to give notice of Trial for such Court, or to proceed to Trial in pursuance of the said notice given by the Defendant, and the time for going to Trial shall not be extended by the Court or a Judge, the Defendant may sign Judgment in the form contained in the Schedule A to this Act annexed, marked Number 9, and recover the costs of defence.

A sole Defendant, or all the Defendants in Ejectment, shall be at liberty to confess the Action as to whole or part of the property by giving to such Claimant a notice headed in the Court and Cause and signed by the Defendant or Defendants, such signature to be attested by his or their Attorney, and thereupon the Claimant shall be entitled to and may forthwith sign Judgment and issue Execution for the recovery of possession and costs, in the form contained in the Schedule A to this Act annexed, marked Number 10, or to the like effect.

In case one of several Defendants in Ejectment, who defends separately for a portion of the property for which the other Defendant or Defendants do not defend, shall be desirous of confessing the Claimant's title to such portion, he may give a like notice to the Claimant, and thereupon the Claimant shall be entitled to and may forthwith sign Judgment, and issue Execution for the recovery of possession of such portion of the property, and for the costs occasioned by the defence relating to the same, and the Action may proceed as to the residue.

In case one of several Defendants in Ejectment, who defends separately in respect of property for which other Defendants also defend, shall be desirous of confessing the Claimant's title, he may give a like notice thereof, and thereupon the Claimant shall be entitled to and may sign Judgment against such Defendant for the costs occasioned by his defence, and may

proceed in the action against the other Defendants to Judgment and Execution.

Every Tenant to whom any Writ of Ejectment shall be delivered, or to whose knowledge it shall come, shall forthwith give Notice thereof to his Landlord or his Bailiff or Receiver, under penalty of forfeiting the value of three years' improved or rack rent of the premises demised or holden in the possession of such tenant to the person of whom he holds, to be recovered by Action in any Court of Common Law having jurisdiction for the amount.

In all cases between Landlord and Tenant, as often as it shall happen that one half-year's rent shall be in arrear, and the Landlord or Lessor to whom the same is due hath right by law to re-enter for the nonpayment thereof, such Landlord or Lessor shall and may, without any formal demand or re-entry, serve a writ in Ejectment for the recovery of the demised premises, or in case the same cannot be legally served, or no tenant be in actual possession of the premises, then such Landlord or Lessor may affix a copy thereof upon the door of any demised messuage, or in case such action in Ejectment shall not be for the recovery of any messuage then upon some notorious place of the lands, tenements or hereditaments comprised in such writ in Ejectment, and such affixing shall be deemed legal service thereof, which serving or affixing such writ in Ejectment shall stand in the place and stead of a demand and re-entry; and in case of Judgment against the Defendant for nonappearance, if it shall be made appear to the Court where the said action is depending by affidavit, or be proved upon the trial in case the Defendant appears, that half-a-year's rent was due before the said writ was served, and that no sufficient distress was to be found on the demised premises countervailing the arrears then due, and that the Lessor had power to re-enter, then and in every such case the Lessor shall recover Judgment and Execution in the same manner as if the rent in arrear had been legally demanded, and a re-entry made; and in case the Lessor or his Assignee, or other person claiming or deriving under the said Lease, shall permit and suffer Judgment to be had and recovered on such trial in Ejectment and Execution to be executed thereon, without paying the rent and arrears together with full costs, and without proceeding for relief in Equity within six months after such Execution executed, then and in such case the said Lessor, his Assignee and all other persons claiming and deriving under the said Lease shall be barred and foreclosed from all relief or remedy in Law or Equity, other than by bringing Error for reversal of such Judgment in case the same shall be erroneous; and the said Landlord or Lessor shall from thenceforth hold the said demised premises discharged from such Lease; and if on such Ejectment a verdict shall pass for the Defendant, or the Claimant shall be nonsuited therein, then and in every such case such Defendant shall have and recover his costs: *Provided*, That nothing herein contained shall extend to bar the right of any Mortgagee of such Lease or any part thereof who shall not be in possession, so as such Mortgagee shall and do, within six months after such Judgment obtained and Execution executed, pay all rent in arrear and all costs and damages sustained by such Lessor or person entitled to the remainder or reversion as aforesaid, and perform all the Covenants and Agreements which, on the part and behalf of the first Lessee, are and ought to be performed.

In case the said Lessor, his assignee or other person claiming any right, title, or interest in Law or Equity of, in, or to the said Lease shall within the time aforesaid proceed for relief in any Court of Equity, such person shall not have or continue any Injunction against the proceedings at Law on such Ejectment, unless he does or shall, within forty days next after a full and perfect answer shall be made by the Claimant in such Ejectment, bring into Court and lodge with the Secretary such sum or sums of money as the Lessor or Landlord shall in his answer swear to be due and in arrear over and above all just allowances, and also the costs taxed in the said suit, there to remain till the hearing of the cause, or to be paid out to the Lessor or Landlord on good security, subject to the Decree of the Court; and in case such proceedings for relief in Equity shall be taken within the

No. 169.
15th October, 1860.

CL. XLI.
Tenants to give Notice
of Ejectment to Land-
lord.

CL. XLII.
Proceedings in Eject-
ment by Landlord for
Nonpayment of Rent.

CL. XLIII.
Lessee proceeding in
Equity not to have
Injunction or Relief,
without Payment of
Rent and Costs.

No. 169.
15th October, 1860.

time aforesaid, and after Execution is executed, the Lessor or Landlord shall be accountable only for so much and no more as he shall really and *bonâ fide*, without fraud, deceit or wilful neglect, make of the demised premises from the time of his entering into the actual possession thereof, and if what shall be so made by the Lessor or Landlord happen to be less than the Rent reserved on the said Lease, then the said Lessee or his assignee, before he shall be restored to his possession, shall pay such Lessor or Landlord what the money so by him made fell short of the reserved Rent for the time such Lessor or Landlord held the said lands.

CL. XLIV.
Tenant paying all
Rent with Costs, pro-
ceedings to cease.

If the Tenant or his assignee do or shall, at any time before the Trial in such Ejectment, pay or tender to the Lessor or Landlord his executors or administrators, or his or their attorney in that cause, or pay into the Court where the same cause is depending, all the Rent and arrears, together with the costs, then and in such case all further proceedings on the said Ejectment shall cease and be discontinued, and if such Lessee, his executors, administrators, or assigns, shall upon such proceedings as aforesaid be relieved in Equity, he and they shall have, hold, and enjoy the demised lands according to the Lease thereof made, without any new Lease.

CL. XLV.
Ejectment by Land-
lord against Tenant
holding over after ex-
piration of Term or
determination of
Tenancy by notice to
quit.

Where the term or interest of any Tenant now or hereafter holding under a Lease or Agreement in writing any lands, tenements or hereditaments for any term or number of years certain, or from year to year, shall have expired or been determined either by the Landlord or Tenant by regular notice to quit, and such tenant, or any one holding or claiming by or under him, shall refuse to deliver up possession accordingly, after lawful demand in writing made and signed by the Landlord or his Agent, and served personally upon or left at the dwelling-house or usual place of abode of such Tenant or person, and the Landlord shall thereupon proceed by Action of Ejectment for the recovery of possession, it shall be lawful for him at the foot of the Writ in Ejectment to address a notice to such Tenant or person requiring him to find such bail, if ordered by the Court or a Judge, and for such purposes as are hereinafter next specified; and upon the Appearance of the party on an Affidavit of service of the Writ and Notice, it shall be lawful for the Landlord producing the Lease or Agreement or some counterpart or duplicate thereof, and proving the execution of the same by Affidavit, and upon Affidavit that the premises have been actually enjoyed under such Lease or Agreement, and that the interest of the Tenant has expired, or been determined by regular notice to quit, as the case may be, and that possession has been lawfully demanded in manner aforesaid, to move the Court or apply by Summons to a Judge at Chambers for a Rule or Summons for such Tenant or person to show cause, within a time to be fixed by the Court or Judge on a consideration of the situation of the premises, why such Tenant or person should not enter into a Recognizance by himself and two sufficient Sureties, in a reasonable sum, conditioned to pay the Costs and Damages which shall be recovered by the Claimants in the Action; and it shall be lawful for the Court or Judge upon cause shown, or upon Affidavit of the service of the Rule or Summons in case no cause shall be shown, to make the same absolute in the whole or in part, and to order such Tenant or person, within a time to be fixed upon a consideration of all the circumstances, to find such bail, with such conditions and in such manner as shall be specified in the said Rule or Summons, or such part of the same so made absolute; and in case the party shall neglect or refuse so to do, and shall lay no ground to induce the Court or Judge to enlarge the time for obeying the same, then the Lessor or Landlord, filing an Affidavit that such Rule or Order has been made and served and not complied with, shall be at liberty to sign Judgment for recovery of possession and Costs of Suit in the form contained in the Schedule A to this Act annexed marked number 11, or to the like effect.

Rule or Summons for
the Tenant to give
Bail.

On Rule or Summons
absolute, if Tenant
shall not conform,
Judgment to be for the
Landlord.

CL. XLVI.
Error and Bail in
Error in Ejectment.

Error may be brought in like manner as in other actions upon any Judgment in Ejectment after a Special Verdict found by the Jury, or a Bill of Exceptions, or by consent after a Special Case stated, but, except in the case of such consent as aforesaid, Execution shall not be thereby stayed unless the Plaintiff in Error shall, within three clear days after lodging the

Memorandum alleging Error, or after the signing of the Judgment, whichever shall last happen, or before Execution executed, be bound unto the Claimant who shall have recovered Judgment in such Action of Ejectment in double the yearly value of the property and double the Costs recovered by the Judgment, with condition that if the Judgment shall be affirmed by the Court of Error, or the proceedings in Error be discontinued by the Plaintiff therein, then the Plaintiff in Error shall pay such Costs, Damages, and sum or sums of money as shall be awarded upon or after such Judgment affirmed or discontinuance; and it shall be lawful for the Court wherein Execution ought to be granted, upon such affirmation or discontinuance, upon the application of the Claimant, to issue a Writ to inquire as well of the Mesne profits as of the damage by any waste committed after the first Judgment in Ejectment, which Writ may be tested on the day on which it shall issue and be returnable immediately after the execution thereof, and upon the return thereof Judgment shall be given, and Execution awarded for such Mesne profits and damages, and also for costs of suit.

Whenever it shall appear on the trial of any Ejectment at the suit of a Landlord against a Tenant that such Tenant or his Attorney hath been served with due Notice of Trial, the Court shall, whether the Defendant shall appear upon such Trial or not, permit the Claimant on the Trial, after proof of his right to recover possession of the whole or any part of the premises mentioned in the Writ of Ejectment, to go into evidence of the Mesne profits thereof which shall or might have accrued from the day of the expiration or determination of the Tenant's interest in the same down to the time of the Verdict given in the Cause, or to some preceding day to be specially mentioned therein; and the Jury on the Trial finding for the Claimant shall in such case give their Verdict upon the whole matter, both as to the recovery of the whole or any part of the premises, and also as to the amount of the damages to be paid for such Mesne profits, and in such case the Landlord shall have Judgment, within the time hereinbefore provided, not only for the recovery of possession and costs but also for the Mesne profits found by the Jury: *Provided always*, That nothing hereinbefore contained shall be construed to bar any such Landlord from bringing any Action for the Mesne profits which shall accrue from the Verdict, or the day so specified therein, down to the day of the delivery of possession of the premises recovered in the Ejectment.

In all cases in which security shall have been given as aforesaid, if upon the Trial a Verdict shall pass for the Claimant, unless it shall appear to the Judge before whom the same shall have been had that the Finding of the Jury was contrary to the evidence, or that the Damages given were excessive, such Judge shall not, except by consent, make any Order to stay Judgment or Execution, except on condition that within four days from the day of the Trial the Defendant shall actually find Security by the Recognizance of himself and two sufficient Sureties, in such reasonable sum as the Judge shall direct, conditioned not to commit any waste or act in the nature of waste or other wilful damage, and not to sell or carry off any standing crops, trash, mill-trash, megass, cane-tops, cane-stalks produced or made (if any) upon the premises and which may happen to be thereupon from the day on which the Verdict shall have been given to the day on which Execution shall finally be made upon the Judgment, or the same be set aside as the case may be: *Provided always*, That the Recognizance last above mentioned shall immediately stand discharged and be of no effect in case proceedings in Error shall be brought upon such Judgment, and the Plaintiff in Error shall become bound in the manner hereinbefore provided.

All Recognizances and Securities entered into as last aforesaid may and shall be taken respectively in such manner and by and before such persons as are provided and authorized in respect of Recognizances of Bail upon Actions and Suits depending in the Court in which any such Action of Ejectment shall have been commenced, and the Secretary of the Court with whom Recognizances of Bail are filed shall file such Recognizances and Securities, for which respectively the sum of Two Shillings and Sixpence and no more shall be paid; but no Action or other Proceeding shall be

No. 169.
15th October, 1860.

CL. XLVII.
On Trial of any Ejectment between Landlord and Tenant, Juries to give damages for Mesne Profits down to the Verdict, or to a day specified therein.

Proviso.

CL. XLVIII.
On Trials after Bail found, Judge shall not stay the Execution, except by consent, or on Tenants finding security.

Proviso.
Bail in Error to discharge such security.

CL. XLIX.
Recognizances to be taken as other Recognizances of Bail; Actions on them limited.

No. 169.
15th October, 1860.

CL. I.
In Ejectment by Mortgagee, the Mortgagors rendering the principal, interest, and costs into Court, shall be deemed a full satisfaction, and the Court may compel the Mortgagee to re-convey.

CL. LI.
Not to extend to cases where the right of Redemption is controverted, or the money due not adjusted, or to prejudice subsequent Mortgage.

CL. LIU.
Jurisdiction of Court and Judge.

CL. LIII.

commenced upon any such Recognizance or Security after the expiration of six months from the time when possession of the premises, or any part thereof, shall actually have been delivered to the Landlord.

Where an Action of Ejectment shall be brought by any Mortgagee, his heirs, executors, administrators or assignees, for the recovery of the possession of any Mortgaged lands, tenements or hereditaments, and no suit shall be then depending in any Court of Equity for or touching the foreclosing or redeeming of such Mortgaged lands, tenements or hereditaments, if the person having right to redeem such Mortgaged lands, tenements or hereditaments, and who shall appear and become Defendant in such Action, shall at any time pending such Action pay unto such Mortgagee, or in case of his refusal shall bring into Court where such Action shall be depending, all the principal moneys and interest due on such mortgage, and also such costs as have been expended in any Suit at Law, or in Equity upon such mortgage (such money for principal, interest, and costs to be ascertained and computed by the Court where such Action is or shall be depending or by the Secretary) the moneys so paid to such Mortgagee or brought into such Court shall be deemed and taken to be in full satisfaction and discharge of such mortgage, and the Court shall and may discharge every such Mortgagor or Defendant of and from the same accordingly, and shall and may by Rule of the same Court compel such Mortgagee, at the costs and charges of such Mortgagor, to assign, surrender or re-convey such Mortgaged lands, tenements, and hereditaments, and such estate and interest as such Mortgagee has therein, and deliver up all deeds, evidences and writings in his custody relating to the title of such mortgaged lands, tenements, and hereditaments unto such Mortgagor who shall have paid or brought such moneys into the Court, his heirs, executors, or administrators, or to such other person or persons as he or they shall for that purpose nominate or appoint.

Nothing herein contained shall extend to any case where the person against whom the redemption is or shall be prayed shall (by writing under his hand or the hand of his attorney, agent, or solicitor, to be delivered before the money shall be brought into such Court of Law to the attorney or solicitor for the other side) insist either that the party praying a redemption has not a right to redeem, or that the premises are chargeable with other or different principal sums than what appear on the face of the mortgage, or shall be admitted on the other side, or to any case where the right of redemption to the mortgaged lands and premises in question in any cause or suit shall be controverted or questioned by or between different Defendants in the same cause or suit, or shall be any prejudice to any subsequent mortgage or subsequent encumbrance, anything herein contained to the contrary thereof in anywise notwithstanding.

The Court and the Judge thereof shall and may exercise over the proceedings the like jurisdiction as heretofore exercised in the Action of Ejectment, so as to ensure a trial of the Title and of actual Ouster when necessary only, and for all other purposes for which such jurisdiction may at present be exercised; and the provisions of all statutes not inconsistent with the provisions of this Act, and which may be applicable to the altered mode of proceeding, shall remain in force and be applied thereto.

That this Act shall come into operation on and after the first day of March, one thousand eight hundred and sixty-one.

SCHEDULE A.

Referred to in the foregoing Act.

No. 1.—DECLARATION IN EJECTMENT.

ST. VINCENT.

In the Supreme Court of Judicature.

A. B. C., Plaintiffs.
D. E. F., Defendants.

The day of , 18 .

[Date of Filing.]

No. 169.
15th October, 1860.

A. B. C. by their Attorney [or in their own proper person] complain* of D. E. F., for that the said Plaintiffs [or some or one of them] on the day of , 18 , became, and were, and are still entitled to the quiet and peaceable possession of, &c., in the Parish of &c., and the Defendants wrongfully assumed the possession thereof, and still withhold the same from the Plaintiffs, and therefore the Plaintiffs pray Judgment against the said Defendants, to recover the possession of the said Lands or Premises [in case of Ejectment on the Title where the Plaintiffs seek to recover mesne rents, add, and compensation in damages for the loss of the mesne rates and profits of the said premises, while the possession thereof was withheld from the said Plaintiffs to the amount of £]
[as in case of personal Actions.]

In case of Ejectment for nonpayment of rent, copy first part of Form to the asterisk (*), and then say—that the Defendant holds the lands of in the Parish of as Tenant to the Plaintiff under a Lease, at a yearly rent of , and that the sum of being for one year, and upwards of such rent due, and ending on the day of , 18 , is due to the Plaintiff. And therefore, &c.,

Endorsement of particulars of rent due on Ejectment for nonpayment of rent.

18 .

By Balance year's rent due on this day £
One year's rent due £

No. 2.—FORM OF WRIT.

ST. VINCENT.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To D. E. F., and all persons entitled to defend the possession of [describe the property with reasonable certainty] in the Parish of , in the Island of , within the Government of St. Vincent, to the possession whereof and some or one of them claim to be [or to have been] on and since the day of , in the year of our Lord [] entitled, and to eject all other persons therefrom: These are to will, and command you, or such of you as deny the alleged title to appear at Our next Supreme Court of Judicature, to be held on this Island on , the* day of , at the town of Kingstown, to defend the said property or such part thereof as you may be advised, in default whereof Judgment may be signed and you turned out of possession.

Witness: The Honourable our Justice of our said Court, the day of , in the year of our reign.

Passed the Secretary's Office.

* In Complaint-Actions here insert the date of the month on which the Tuesday following the sitting of the Supreme Court of Judicature may fall for trial of Jury-Actions.

No. 3.—JUDGMENT IN EJECTMENT IN CASE OF NON-APPEARANCE.

ST. VINCENT.

In the Supreme Court of Judicature.

The day of , 18 .

[Date of Declaration.]

A. B., Plaintiff.
C. D., Defendant.

ST. VINCENT.—To Wit.

On the day and year above written a Declaration was filed in these words: that is to say [here copy the Declaration] and no Appearance has been entered or defence made to the said Declaration. Therefore it is considered that the said [here insert the names of the persons in whom Title is alleged in the Declaration] do recover possession of the Land in the said Declaration mentioned with the appurtenances.

No. 169.
15th October, 1860.

No. 4.—JUDGMENT IN EJECTMENT BY DEFAULT FOR PART.

ST. VINCENT.

In the Supreme Court of Judicature.

The day of , 18 .
 A. B., Plaintiff.
 C. D., Defendant.

ST. VINCENT.—To Wit.

On the day and year above written, a Declaration was filed in these words: that is to say [*here copy the Declaration*]. And C. D. has, on the day of , appeared by his Attorney [*or in person*] to the said Declaration, and has defended for a part of the Land in the Declaration mentioned, that is to say [*here state the part*], and no Appearance or defence has been entered to the said Declaration, except as to the said part, therefore it is considered that the said A. B. (the plaintiff) do recover the possession of the Land in the said Declaration mentioned, except the said part with the appurtenances, and that he have Execution thereof forthwith, and as to the rest, let a Jury come, &c.

No. 5.—DEFENCE IN EJECTMENT ON THE TITLE.

ST. VINCENT.

In the Supreme Court of Judicature.

A. B., Plaintiff.
C. D., Defendant.

The day of , 18 .
One of the Defendants appears and takes defence for the said Lands of and says that the said Plaintiffs are not entitled to the possession of them, and that the said possession belongs to the said as of right, and therefore he defends the Action.

Attorney for the said

No. 6.—DEFENCE IN EJECTMENT FOR NONPAYMENT OF RENT.

ST. VINCENT.

In the Supreme Court of Judicature.

A. B., Plaintiffs.
C. D., Defendants.

The day of , 18 .
One of the Defendants and Tenants to the Lands of appears and takes defence, and says, that the rent of the said premises is not in arrear, and that the Defendant paid the said rent and every part thereof to the said Plaintiffs before the commencement of this Action, and therefore he defends as aforesaid.

Attorney for the said

Endorsement of particulars of payment.

18 .

By Cash paid by Defendant to Plaintiff £

No. 7.—ENTRY OF VERDICT.

Afterwards, on the day of , in the year of our Lord before Justice of our Lady the Queen came the parties within mentioned, and a Jury of the said Island being sworn to try the matters in question between the said parties upon their oath, say that [*the Claimant within mentioned*], on the day of , in the year of our Lord , was and still is entitled to the possession of the Land within mentioned as in the writ alleged. Therefore, &c.

No. 8.—JUDGMENT ON DISCONTINUANCE IN EJECTMENT.

ST. VINCENT.

In the Supreme Court of Judicature.

A. B., Plaintiff.
C. D., Defendant.

On the day of A. B., 18 .

[Date of Declaration.]

No. 169.
15th October, 1860.

On the day and year above written a Declaration was filed in this Court in these words: that is to say [*here copy the Declaration*], and C. D. has on the day of 18, appeared by his Attorney [*or in person*] to the said Declaration, and A. B. has discontinued the Action. Therefore it is considered that the said C. D. be acquitted, and that he recover against the said A. B. £ for his cost of defence.

No. 9.—JUDGMENT FOR NEGLECTING TO PROCEED AFTER NOTICE.

ST. VINCENT.

In the Supreme Court of Judicature.

A. B., Plaintiff.

C. D., Defendant.

The day of 18 .

[Date of Declaration.]

On the day and year above written a Declaration was filed in this Court, in these words (that is to say), [*here copy the Declaration*], and C. D. has on the day of 18, appeared by his Attorney, [*or in person*] to the said Declaration, and A. B. has failed to proceed to trial, although duly required so to do. Therefore it is considered that the said C. D. be acquitted, and that he recover against the said A. B. £ for his costs of defence.

No. 10.—JUDGMENT ON CONFESSION IN EJECTMENT.

ST. VINCENT.

In the Supreme Court of Judicature.

A. B., Plaintiff.

C. D., Defendant.

The day of 18 .

[Date of Declaration.]

On the day and year above written a Declaration was filed in this Court in these words: that is to say [*here copy the Declaration*], and C. D. has on the day of appeared by his Attorney [*or in person*] to the said Declaration, and the said C. D. has confessed the said Action as to part of the said Land, that is to say [*here state the part*]. Therefore, it is considered that the said A. B. do recover possession of the Land in the said Declaration mentioned [*or of the said part of the said Land*] with the appurtenances, and £ for Costs.

No. 11.

ST. VINCENT.

In the Supreme Court of Judicature.

A. B., Plaintiff.

C. D., Defendant.

The day of A.D. 18 .

[Date of Declaration.]

On the day and year above written a Declaration was filed in this Court, with a Notice thereunder written, the tenour of which Declaration and notice follows in these words: that is to say [*here copy the Declaration and Notice, which latter may be as follows*]: "Take notice, that you will be required, if ordered by the Court or a Judge, to give bail by yourself and two sufficient Sureties, "conditioned to pay the costs and damages which shall be recovered in this "Action." And C. D. has appeared by his Attorney [*or in person*] to the said Declaration, and has been ordered to give Bail, pursuant to the Act or Statute, and has failed so to do. Therefore it is considered that the said [*here insert name of Landlord*] do recover possession of the Land in the said Declaration mentioned with the appurtenances, together with £ for costs of suit.

No. 170.

An Act to amend "The Summary Offence Act, 1854."

[3rd November, 1860.]

[Amended by Act 16th October, 1861.]

Preamble.

WHEREAS there are numerous offences now committed to the great injury of the Public Highways and Roads for which no provision is made by Law. And whereas "The Summary Offence Act, 1854," does not sufficiently provide for certain offences, and it is deemed expedient to amend the same: *Be it therefore enacted* by the Governor, Council, and Assembly of the Government of St. Vincent and its Dependencies as follows:—

CL. I.

Every person guilty of an offence under this Act, not otherwise provided for to be deemed guilty of a petty misdemeanour under "The Summary Offence Act 1854."

CL. II.

All Complaints to be made within three calendar months of the offence committed.

CL. III.

Persons quarrelling and shouting in streets and other places of public resort.

CL. IV.

Persons loitering about Retail Liquor shops and refusing to disperse.

CL. V.

Persons assembling in any Street or Public place for an unlawful purpose and not dispersing when required.

CL. VI.

Persons behaving irreverently in any Church, &c., or Burial Ground.

CL. VII.

Every Cart, &c., to have Owner's name or Estate to which it belongs cut or painted on it; under a penalty not exceeding 20s., to be imposed on person using it.

CL. VIII.

Every person stopping cart, &c., on Public Road beyond a reasonable time, or leaving it there, to be deemed guilty of a Petty Misdemeanour.

Every person who shall be guilty of any offence against the provisions of this Act, and which is not herein otherwise provided for, shall be deemed on conviction to be guilty of a Petty Misdemeanour within the meaning of "The said Summary Offence Act, 1854," and liable to be proceeded against accordingly.

All Complaints made under this Act shall be made within three Calendar Months from and after the day when the offence charged is alleged to have been committed.

Every person who shall in any Public Street or other place of Public resort, or in any place within sight and hearing of the persons then being in such Public Street or other place of Public resort, disturb the Queen's Peace by quarrelling with any other person, or by making any loud noise by shouting or otherwise, to the annoyance of the persons residing or then being in the neighbourhood, shall be deemed guilty of an offence under this Act.

All persons loitering, carousing, or the like, in or about any shop or place where Liquors are sold by Retail, and not quietly dispersing or moving away when desired so to do by any Constable or Peace Officer shall be deemed guilty of an offence against the provisions of this Act.

All persons who shall assemble together in any Public Street, or other place of Public resort, or in any open space of ground in the immediate neighbourhood of any such Street or other place of Public resort, for any idle, lewd, vicious or disorderly purpose, or otherwise than in the regular performance or in pursuance of some lawful calling or object, to the annoyance or obstruction of the passengers or persons frequenting such Street or other place of Public resort, or of the persons residing in the neighbourhood thereof, and who shall not disperse or move away when thereunto required by a Magistrate, Constable, or other Peace Officer, shall be deemed guilty of an offence against the provisions of this Act.

Every person who shall behave irreverently or indecently in or near any Church, Chapel, or other Building appropriated for Religious Worship, during Divine Service, or who shall behave irreverently or indecently in any Public Burial Ground during the Burial of a body, shall be deemed guilty of an offence against the provisions of this Act.

And, with regard to Offences committed on the PUBLIC HIGHWAY OR PUBLIC ROADS in the said Government, *Be it enacted*, as follows:—

Every person who, from and after the passing of this Act, shall use any Cart, Wain, Truck or Waggon on any of the Public Roads of this Island shall have his or her Christian and Surname, or the name of the Estate to which the same belongs, legibly cut or marked with ink or paint in full length, and in letters of not less than one inch in length, on the front or any other conspicuous place of such Cart, Wain, or Waggon; and if any person shall offend against this provision, he or she shall forfeit a sum not exceeding the sum of Twenty Shillings for each offence.

And whereas it is deemed expedient to guard against accidents in the drawing up and leaving of Waggons, Carts, or other Vehicles of burthen in the Highways and Public Roads: *Be it therefore enacted*, That it shall not be lawful for any person to draw up and stop any waggon, cart, or other vehicle of burthen on any Highway or Public Road for a longer time than may reasonably be necessary for the unloading or loading of the same, nor

shall it be lawful to take the Horses or other Animals from any such waggon, cart, or other vehicle of burthen in any such Highway or Public Road.

If any Cart, Wain, Truck or Waggon shall be found in any Public Road not marked as required by this Act, and there be no means of ascertaining to whom the same may belong, it shall and may be lawful for any person to seize such cart, wain or waggon, or any article or thing therein, and to carry the same before any Police Magistrate or Justice of the Peace, who is hereby authorized and empowered to order the same to be detained at the nearest Police Station, and kept in the possession of the person in charge of such Station until the owner thereof shall claim the same, and be known so as to be dealt with according to Law.

If any person against whom any Complaint shall be preferred under this Act in respect of any such cart, wain, truck, or waggon, shall prove to the satisfaction of the Police Magistrates or Justices of the Peace hearing the complaint that the cart, wain, truck, or waggon mentioned in such complaint was properly marked according to Law at the time when such cart, wain, truck, or waggon, left his or her Estate, premises, or places of abode or business, the Owner thereof shall be exempt from the penalty aforesaid.

That if the driver of any Waggon, Cart, or other Carriage of Burthen shall ride upon any such carriage, or upon any horse, mule or ass drawing the same, on any Highway or Public Road, not having some other person on foot or on horseback to guide the same (such carts and waggons as are usually driven with reins and are conducted by some person holding the reins of the horse or horses, mule or mules, or ass or asses, drawing the same with efficient harness, excepted) shall be deemed guilty of a Petty misdemeanour, within the meaning of "The Summary Offence Act, 1854."

If any person shall sit on the Tongue of any Waggon or Cart, or on the shaft of any waggon or cart, whilst such waggon or cart is proceeding along any Highway or Public Road, or if the driver of any Carriage whatsoever on any Highway or Public Road shall by any negligence or wilful misbehaviour cause any hurt or damage to any Person, Horse, Cattle, or Animal, or to any Carriage, or Goods conveyed in any Carriage, or otherwise passing or being upon such Highway or Public Road, or shall quit the same, and negligently or wilfully be at such distance from such Carriage, or in such situation whilst it shall be passing upon such Highway or Public Road, that he cannot have the direction and government of the horses or cattle drawing the same, or shall have [*leave*] any cart or carriage on such Highway or Public Road so as to obstruct the passage thereof, every such person shall, on conviction, be deemed guilty of a Petty Misdemeanour within the meaning of the said "Summary Offence Act, 1854."

If any person shall drive, or act as the Driver of any waggon, cart or other carriage of burthen, not having the Owner's name distinctly painted or cut and legible thereon according to Law, or shall refuse to discover the true Christian and Surname of the owner thereof, or shall hide from view the name painted or marked thereon, every such person shall, on conviction, be deemed guilty of a Petty Misdemeanour within the meaning of the said "Summary Offence Act, 1854."

If any person driving any Waggon, Cart, or Carriage whatsoever, or any Horses, Mules, or other beast of draught or burthen, on any Highway or Public Road, and meeting any other person, or waggon, cart, or other carriage, or horses, mules or other beast of burthen, shall not keep the waggon, cart, or carriage, or animals in his charge on the left or near side of the Highway or Public Road, or if any person shall, in any manner, wilfully and negligently prevent any other person from passing him or any waggon, cart, or other carriage, or horses, mules or other beast of burthen under his care, upon such Highway or Public Road, or shall by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any other person, waggon, cart or carriage, or horses, mules, or other beast of burthen, on the right or off-side of such Highway or Road, every such person shall, on conviction, be deemed guilty of a Petty Misdemeanour within the meaning of the said "Summary Offence Act, 1854."

No. 170.
3rd November, 1860.

CL. IX.
Cart not marked and no means of ascertaining to whom it belongs, it may be conveyed to the Police Station for owner to claim it.

CL. X.
If it is shown that the Cart was properly marked when it left the Estate or Owner's abode, no penalty to be enforced.

CL. XI.
Driver riding upon Cart or upon Horses drawing it, without having person on foot to guide it, to be deemed guilty of a Petty Misdemeanour. Carts usually driven with reins excepted.

CL. XII.
Any person sitting on the tongue or shaft of a Cart, and any driver of any Carriage damaging any person or property on the road, or quitting his horse, or leaving his Carriage so as to obstruct the Highways, to be deemed guilty of a Petty Misdemeanour.

CL. XIII.
Any Driver of a Cart, &c., without Owner's name painted thereon, or who shall refuse to give Owner's name, or who shall hide the same from view, to be deemed guilty of a Petty Misdemeanour.

CL. XIV.
Every person driving on the wrong side of the Road or preventing any person from passing, or otherwise obstructing the Road, to be deemed guilty of a Petty Misdemeanour.

No. 170.
3rd November, 1860.

CL. XV.
Persons driving Waggon, &c., beyond a walk, or driving or riding furiously along any road, so as to endanger the safety of any other person guilty of a Petty Misdemeanour.

If any person driving any Waggon, Cart or Vehicle of burthen on any Highway or Public Road shall wilfully put the horses, mules or other beast of burthen drawing the same beyond a walk (such carts and waggon, or other vehicles of burthen, as are usually driven with reins, and are conducted by some person holding the reins of the horse or horses, mule or mules, ass or asses, drawing the same with efficient harness excepted), or if any person riding any horse or beast, or driving any sort of carriage or vehicle-of-pleasure on any Highway or Public Roads, or Road used by more persons than one, shall ride or drive the same furiously so as to endanger the life or limb of any passenger, or shall pass or turn any such horse, beast, or carriage, or vehicle-of-pleasure round the angle of any such road, or shall cross any such road, at a rapid or dangerous pace, or if any person in charge of any waggon, cart, or other vehicle of burthen shall load the same in such a manner as to threaten or endanger the safety of any person travelling on any such road, every person so offending in any of the cases aforesaid, and being convicted of any such offence either by his own confession, the view of a Justice of the Peace or Police Magistrate, or by the oath of one or more credible witness or witnesses, before any Justice of the Peace or Police Magistrate shall, in addition to any Civil Action to which he may make himself liable, be punishable as for a Petty Misdemeanour under the said "Summary Offence Act, 1854."

CL. XVI.
Every person using a horse, &c., with Farcy or Glanders on Highway, or permitting it to be at large on Highway, to be deemed guilty of a Petty Misdemeanour.

That if any person shall drive or otherwise make use of any Horse, Mule or Ass affected with Farcy or the disease called Glanders, on any of the Public Roads of this Island, except for the purpose of conveying the same to some person or place for curative treatment, or if the Owner of any such diseased horse, mule, or ass shall suffer and permit the same to be at large on any Public Road of this Island, such person shall, on conviction thereof before the Police Magistrate of the District or any two Justices of the Peace, be deemed guilty of and be punishable as for a Petty Misdemeanour, under the said "Summary Offence Act, 1854."

CL. XVII.
Mules, &c., not to be driven along the roads in numbers and manner to endanger the Public Safety, person in charge to be deemed guilty of a Petty Misdemeanour, any damage done, value to be recovered in any Civil action.

That if any person in charge of any mules, cattle, or other live-stock shall drive or suffer the same to be driven on and along any Street or Road in such numbers or in such manner as to endanger the safety of passengers, he shall on conviction be deemed guilty of a Petty Misdemeanour within the meaning of "The Summary Offence Act, 1854;" and such person shall also be liable to make good any damage done to any person or property by any such mule or mules, or cattle or other live-stock, to be recovered as damages in any Civil Action.

CL. XVIII.
Proceedings to be had when Driver's name is unknown.

In case the driver or other person in charge of any Waggon, Cart, or other Vehicle of burthen, or of any mules or cattle or other live-stock, and whose name shall be unknown, shall violate any of the regulations aforesaid, and such person shall not be apprehended and taken into custody as authorized by this Act, it shall and may be lawful for any Police Magistrate or any two or more Justices of the Peace, upon the Complaint of any Police Officer or other person, to summon the Owner of any such waggon, cart, or other vehicle of burthen, or mule, or cattle, or other live-stock, to come before him and disclose the name or names of the person or persons who was or were driving or in charge of such waggon, cart, or other vehicle of burthen, mules, or cattle, or other live-stock, when the offence was committed, to the intent that such person or persons may be proceeded against according to Law; and in case the owner of any such waggon, cart, or other vehicle of burthen, mules or other live-stock shall refuse to attend after being duly summoned, or attending shall refuse to disclose or give the name of the person or persons in charge of such waggon, cart, or other vehicle of burthen, mules, or cattle, or other live-stock aforesaid, such owner shall be subject and liable to and shall incur the like penalty as such driver or other person, if known, would have been subject and liable to under the provisions of this Act, and such owner shall be convicted in like manner as if he himself had been actually driving or in charge of such waggon, cart, or other vehicle of burthen, mules or cattle or other live-stock at the time of the offence committed: *Provided always*, That if any such waggon, cart or other vehicle of burthen, mules or cattle, or other live-stock, shall belong to or be in the

employ of an Estate, the Manager of such Estate, and not the Owner of such waggon, cart or vehicle, mules or cattle, or other live-stock, shall be summoned and dealt with in manner hereinbefore provided.

If any Entire Horse, Mule or Ass shall at any time be found straying, or tied, lying or being at large or depastured, on any Highway, any Police Officer or other person is hereby authorized to seize and impound every such horse, mule, or ass, in the Common Pound (if any) of the Parish or District where the same shall be found, or in such other place as the Police Magistrate or Justice of the Peace or Waywardens of the District, shall provide for that purpose, and the said horse, mule, or ass shall be there detained until the Owner thereof shall for every such horse, mule or ass so impounded pay the sum not exceeding Ten Pounds as a fine, together with the sum of Five Shillings for the charges and expenses of taking up and impounding the same, and the sum of Two Shillings for every twenty-four hours, or fractional part of twenty-four hours, that such horse, mule, or ass, shall be so impounded for his keep; and no horse, mule, or ass, so impounded shall be released without an Order from the Police Magistrate of the District, and on payment to him of the several sums aforesaid, the same to be distributed as follows:—The said Fine to be paid into the Public Treasury for the purposes of the Government, the sum of Five Shillings for taking up the horse, mule, or ass to be paid to the person who shall have taken him [? it] up; and the keep to be paid to the Keeper of the Pound, or other person supplying the said horse, mule, or ass with food: And in case the said penalty charges and expenses shall not be paid within seven days after such impounding (notice thereof being first given to the Owner in the Public Gazette) it shall be lawful for the said Police Magistrate or any two Justices of the Peace to order every such horse, mule, or ass to be sold, and the money arising from such sale, after deducting the penalty charges and expenses of impounding, keeping, and selling any such horse, mule, or ass, shall be paid to the Owner, but in case the Owner shall not be known, and no application shall be made for the money arising from such sale within one Calendar Month after such sale shall have taken place, the same shall be paid into the Public Treasury for the Public uses of the Government until a claimant shall establish his right to the same before the Police Magistrate of the District and shall obtain a certificate to that effect, which shall be sufficient to authorize the Treasurer to pay over the balance remaining in the Treasury, less the sum of Ten Shillings for the trouble in receiving and paying the same, which the Treasurer is hereby authorized to deduct and retain for the Public uses of the Government: *Provided always*, That if it shall appear to the satisfaction of the Police Magistrate or Justice that any such horse, mule, or ass so impounded escaped from any enclosure by the gate or fence thereof having been wilfully or negligently left open or destroyed by any person not being the owner of such enclosure nor employed by such owner, then and in such case the Police Magistrate or Justices may remit the said penalty: *And provided also*, That if any such horse, mule, or ass, shall at any time be found at large or depastured on any Highway or Public Road or on the sides thereof, and the same cannot be seized or impounded as aforesaid, it shall be lawful for any Police Officer or other person to prefer a complaint against the owner thereof (if known) to the Police Magistrate of the District in which the animal or animals was or were found straying, lying, or being depastured, or to any two Justices of the Peace, and such owner shall on conviction be subject and liable to the like penalties and expenses, as if such horse, mule, or ass had been actually seized.

Every person offending in any or either of the cases provided for by this present Act shall and may by the authority of this Act, with or without any Warrant, be apprehended by any Police Officer or other Constable who shall see such offence committed, and shall be conveyed before any Justice of the Peace or Police Magistrate to be dealt with according to Law. And if any such person so offending shall refuse to discover his name, it shall and may be lawful for the said Justice of the Peace or Police Magistrate before whom he shall be taken, or to whom any such Complaint shall be made, forthwith to proceed to hear the said Complaint, and on conviction, to

No. 170.
3rd November, 1860.

CL. XIX.
Entire Horse, Mule
or Ass on Highway,
Owner to pay a fine
not exceeding Ten
Pounds and expenses.

If not paid within
seven days, Horse to
be sold after notice
given, and net pro-
ceeds handed over.

If not claimed within
one month, money to
be paid into Treasury
until claimed.

When claimed, 10s. to
be returned into the
Treasury.

CL. XX.
If any person offend-
ing refuses to give
his name, the commit-
ment may be made out
by description.

No. 170.
3rd November, 1860.

CL. XXI.
Penalty for Shooting
on or within 100 yards
of the Public Road.

CL. XXII.
Persons leaving Rub-
bish on Roads, &c.,
guilty of a Petty Mis-
demeanour.

CL. XXIII.
Persons placing Stone,
Timber, &c., on Road,
or leaving Stones with
which Carts have been
stopped, guilty of a
Petty Misdemeanour.

CL. XXIV.
Lawful for Constables
to enter any yard or
enclosure to repress
disorder, and to re-
main until duty is
discharged.

CL. XXV.
Any person appre-
hended for any offence
under this Act, and
refusing to give his
name or place of
abode, to be com-
mitted to Gaol until
he does so.

CL. XXVI.
Convicting Magis-
trates may allow half
the penalty to the In-
former. Informer in
all cases to be a com-
petent witness.

CL. XXVII.
Short title of Act.

commit such person to the Common Gaol by the description of his person and the offence committed only, in case the Fine imposed, or costs or other moneys ordered to be paid shall not be paid, without adding any name or designation, but expressing in the proceedings that he refused to discover his name.

And whereas the practice of Shooting on or near the Public Road is dangerous to persons travelling thereon; *Be it therefore Enacted*, That if any person shall fire off or discharge any Gun, Pistol, or other Fire Arms, on any Public Road, or within one hundred yards of any Public Road (except on some lawful and necessary occasion) every [such] person shall on conviction thereof be fined the sum of Ten Shillings, together with the costs of Complaint, and on default of payment of the same shall be imprisoned for any time not exceeding fourteen days, unless such fine together with the costs be sooner paid.

That if any person or persons making, scouring or cleaning any ditch, drain, water-course, or pit, [or] shall put or lay, or permit the soil or earth dug out of such ditch, drain, water-courses or pit to remain in any Highway or Public Road in such manner as to obstruct or prejudice the same, or if any person or persons shall cast any rubbish, broken glass, or filth of any kind on any such Highway or Public Road, or on the bays or other Public places of any of the Towns of this Island, every person so offending in any of the said cases shall be deemed guilty of a Petty Misdemeanour within the meaning of "The Summary Offence Act, 1854."

That if any person or persons shall lay out in any Highway or Public Road, or on the side thereof, any stone, timber, instrument of husbandry, or other matter or thing to the prejudice of any Highway or Public Road, or to the prejudice, interruption, or hindrance of any Vehicle, or the personal anger [? *danger*] of any person travelling thereon; [n] or if any person or persons shall, after having balked or stopped any Cart, Waggon, or other Carriage, cause or suffer to remain on such Highway or Public Road the stone or other thing with which such Cart or other Carriage shall have been balked or stopped, he or they shall be deemed guilty of a Petty Misdemeanour within the meaning of "The Summary Offence Act, 1854."

That it shall be the duty of all Constables, on being credibly informed of the existence of any offence punishable under this or any other Act of the Colony, to repair without delay to the place designated in order to repress or assist in repressing the same, or otherwise to assist in carrying the provisions of this or any other Act as aforesaid into execution: and it shall be lawful for any such Constable or Constables to enter into any yard or other enclosures in the execution of any such duty, and then [? *there*] to remain for such reasonable time as may be necessary for the proper discharge of such duty.

That if any person who shall be apprehended for having committed any offence against the Act shall refuse to discover his name and place of abode to the Justices before whom he shall be brought, such person so refusing, if the Justices shall so decide instead of proceeding to hear the Complaint, shall be immediately committed, and delivered over to a Constable or other Peace Officer, and shall by him be conveyed to the Common Gaol of Kingstown, or other legally constituted place of confinement within the District within which the offence shall have been committed or in which the offender shall have been apprehended, there to remain until he shall make known his name or place of abode to the said Justices for the purpose of being proceeded against for the said offence.

It shall be in the power of the convicting Magistrates to award to the Informer, in all cases of conviction for any offence committed in respect of the Public Highways or Roads, such part of the fine inflicted or imposed on the offender, not exceeding one half thereof as he [? *they*] shall think fit, and the Informer shall in all cases be a competent witness.

This Act shall be cited as "The Amended Summary Offence Act, 1860."

No. 171.

An Act to provide for the Payment of Persons sworn-in as Special Constables, when called out and in the performance of Duty as such.

[14th December, 1860.]

WHEREAS by the Act of the Government, entitled "An Act for establishing "and regulating a Court of Grand Sessions of the Peace," it is amongst other things provided that a Judge of the Court of Grand Sessions of the Peace or any two Justices of the Peace, may in the cases provided for in the said Act swear-in such number of persons to serve as Special Constables as to them shall seem fit and necessary for the preservation of the Public Peace, and for the protection of the inhabitants and the security of the property in the parish, town, or place where such persons shall be so sworn in; *And whereas* it is deemed advisable to provide remuneration for the services to be performed by such Special Constables, and to remunerate Rural Constables when on actual duty; *Be it therefore Enacted* by the Governor, Council, and Assembly of the Government of the said Island of St. Vincent and its Dependencies:—

Every person who shall be sworn in as a Special Constable under the provisions of the said recited Act shall, during such time as he shall be required to be and shall actually be on Duty as such, be entitled to receive such sum from the Public, not exceeding Four Shillings for every day he shall be on Duty as aforesaid, as shall be fixed and awarded by the said Judge or Justices by whom he shall be appointed, after report made by the person under whose orders he shall have acted to such Judge or Justices of the conduct of the person so appointed during the time he shall have been on duty as aforesaid.

That it be lawful for the Governor to issue his Warrant to the Treasurer for the payment of such sum or sums of money as shall from time to time become payable under the provisions of this Act, and for the purpose of arriving at what sums shall be payable the Judge or Justices awarding the remuneration aforesaid to any Special Constable under this Act shall make a Report of and certify the same to the Officer administering the Government: *Provided*, That no sum exceeding One Hundred Pounds in any one year shall be expended under the aforesaid provisions of this Act except by the consent of the Executive Council, and that an account of such additional expenditure shall be laid by the Governor before the Legislative Council and House of Assembly as soon as possible after the same shall have been incurred: *And provided also*, That the Executive Council shall not be empowered to consent to any additional expenditure in any one year exceeding the sum of Fifty Pounds.

That the provisions of this Act shall apply to Rural Constables when on actual duty, who may be remunerated in the manner and after the rate aforesaid.

That this Act shall be cited as "The Special and Rural Constables "Remuneration Act, 1860."

Recites Clause 41 of Court of Grand Sessions of the Peace Act, 1854.

And that it is advisable to pay Special Constables and Rural Constables.

CL. I.
Special Constables to be paid a Sum not exceeding Four Shillings for every day on which they are on duty.

CL. II.
Governor authorized to issue his Warrant to the Treasurer for payment of same on certificate of Judge or Justices by whom Special Constables were appointed.

Proviso.
No Sum exceeding 100l. shall be expended in any one year, except by consent of Executive Council. Account of expenditure to be laid by Governor before Council and Assembly.

Proviso.
Executive Council not empowered to consent to any additional expenditure in any one year exceeding 50l.

CL. III.
Rural Constable when on actual duty may be remunerated in the manner and after the rate aforesaid.

CL. IV.
Short title of Act.

No. 172.

An Act to repeal an Act, entitled "An Act to repeal an Act, entitled 'An Act to repeal the Market Acts, and to establish other Regulations in lieu thereof, and to make Provisions for regulating [? the] Public Market in Kingstown;' and an Act, entitled 'An Act to continue an Act entitled 'An Act, to repeal an Act entitled 'An Act to repeal the Market Acts, and to establish other Regulations in lieu thereof, and to make Provisions for regulating the Public Market in Kingstown, and to prevent abuse in the use of Seines used in 'Fishing in the Colony of St. Vincent.'" [31st December, 1860.]

Preamble.

WHEREAS the Provisions contained in an Act of this Island, entitled "An Act to repeal an Act entitled 'An Act to repeal the Market Acts, and to establish other regulations in lieu thereof, and to make provisions for regulating the Public Market in Kingstown,' passed the third day of July, in the year of our Lord one thousand eight hundred and forty-nine, and the provisions contained in another Act of this Island passed the twenty-fifth day of June, in the year of our Lord one thousand eight hundred and fifty-four, entitled 'An Act to continue an Act entitled 'An Act to repeal an Act entitled 'An Act to repeal the Market Acts, and to establish other regulations in lieu thereof, and to make provisions for regulating the Public Markets in Kingstown, and to prevent abuse in the use of Seines used in fishing in the Colony of St. Vincent,'" have been found insufficient for the purposes of the said Acts.

[See Act of 10 Jan., 1861.]

CL. I.

Repeals Act passed 3rd July, 1849, and an Act passed 25th June, 1854.

Be it therefore Enacted by the Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies, that the Act entitled "An Act to repeal an Act entitled 'An Act to repeal the Market Acts, and to establish other regulations in lieu thereof, and to make provisions for regulating the Public Market in Kingstown,' and the Act entitled 'An Act to continue an Act entitled 'An Act to repeal an Act entitled 'An Act to repeal the Market Acts, and to establish other regulations in lieu thereof, and to make provisions for regulating the Public Markets in Kingstown, and to prevent abuse in the use of Seines used in fishing in the Colony of St. Vincent,'" shall be and the said Acts respectively are hereby repealed.

CL. II.

Market to be held in the Town of Kingstown.

There shall be kept and held in the Town of Kingstown in the said Island a Market for selling all manner of meats, fish, provisions, vegetables, grass, wares and merchandise, under the several regulations, penalties, and forfeitures in this Act contained; and the said Market shall be opened at six o'clock in the morning and be closed at six o'clock in the evening, on each and every day, except for the sale of grass, for which purpose it shall be opened until eight o'clock in the evening.

Time of opening and closing.

CL. III.

Market Days.

Every day in the week, Sunday excepted, shall be deemed a Market-Day throughout the Island; when it shall be lawful for all and every person lawfully qualified to sell, barter, or purchase any meats, fish, provisions, goods, wares, and merchandise whatsoever.

CL. IV.

Sunday Markets prohibited.

There shall be no Markets on Sunday, and every person who shall publicly expose for sale any provisions, goods, wares or merchandise, or other articles whatsoever, or shall buy from any other person any provisions, goods, wares or merchandise, on Sunday, shall, on conviction of either of such offences, forfeit and pay for each and every such offence a sum not exceeding Two Pounds, and in default of payment shall be imprisoned for any time not exceeding ten days, one-half of which fine when paid shall be given to the Informer: *Provided always*, That, nothing in this Act shall prevent the buying and selling of bread, meat, fish, or milk at any time before the hour of nine o'clock in the forenoon, or the dressing and selling of victuals in Inns and Cookshops or the selling of Medicines at any time during the day.

Exceptions.

CL. V.

Market-place defined.

And that it may be known what shall be the Public Market-place, the Square in the said Town adjoining the Public Court-House, and enclosed

within the Three Streets and the Sea-beach that surrounds it, according to the diagram or plan hereunto annexed, with the area within such enclosure, shall be deemed the Public Market-place for the said Town of Kingstown, and the Land thereof, including the Sea-Beach in front as far as Low-Water Mark, shall be vested in the Townwardens for the said Town, their successors in office and assigns, for the purposes of this Act, subject nevertheless to the rights of Her Majesty, her heirs and successors.

The Townwardens and their successors in Office shall and may from time to time nominate and appoint a Clerk of the said Market by warrant under their hands and seals, which said Clerk shall have power to carry the duties imposed upon him by this Act, and those incidental thereto, into effect; and he is hereby authorized and empowered to decide upon all differences which may arise between buyers and sellers in the said Market; and all Police Officers and other Constables are hereby required, when necessary, to assist the said Clerk in the maintenance of due order and regularity in the said Market.

The Townwardens for the time being shall fix and allow a salary to the Clerk of the said Market, not exceeding Fifty Pounds, to be paid by quarterly payments, in lieu of all fees, perquisites, and emoluments of any kind, and the said Clerk shall previously to entering upon the duties of his office enter into a Bond, with two sufficient securities, to the Townwardens, their successors in office and assigns, in the penal sum of Fifty Pounds each, conditioned for the due and faithful performance of the duties of his Office pursuant to the provisions of this Act.

The Clerk of the Market shall appear during his attendance in clean and decent attire. He shall attend the Market in person daily, or by his Deputy to be approved by the Townwardens in case of sickness or other good cause of absence to be allowed by the Townwardens. He shall well and truly observe and obey all such Rules and Regulations for the better government of the Market as the Townwardens shall from time to time publish and declare. He shall keep order in the said Market, and shall turn out all idlers and touters, and all persons loitering in the said Market, and put down in manner provided by Law all profane swearing. He shall collect all Fees, perquisites and emoluments of every kind due or to be due to the Townwardens. He shall, on the first Tuesday in every month throughout the year, pay over and fully account to the Townwardens at their Office for the same and all moneys that he shall receive in respect thereof or under any rule, byelaw or regulation made or to be made by the Townwardens for the better regulating the Public Market. He shall remove all filth, rubbish, and stagnant water from the said Market and Market-place, and shall keep the same properly swept and clean at all times within the boundaries described as aforesaid. He shall inspect and approve every animal intended for slaughter and for sale in the Market, previous to its slaughter, and all meat, turtle, sea or river fish brought for sale to the Market or other place in the town appointed by the Townwardens for the purpose. He shall ascertain the price of the best wheaten flour throughout the Town upon the afternoon of each Friday, and advertise the same, together with the Assize of Bread, in the Public Gazette to be issued the Saturday following, if any, and if not on the next publication day, and the assize of bread so published shall be the assize for the week ensuing. And, the better to enable the Clerk of the said Market to perform his duties as such, he shall for the purposes of this Act have and exercise all and singular the powers, authorities, advantages and immunities that any Constable duly appointed now has within his Constableness by virtue of any Act or Acts of the Legislature of this Colony, or by virtue of the Common Law of England.

The Townwardens for the said Town shall find and provide a proper place, contiguous to the said Market and adjoining the sea, for the purpose of slaughtering animals, and shall furnish the same with tackles and blocks for the cutting up meat and preparing it for sale, such place to be repaired and kept clean at their expense; and every Licensed Butcher shall convey to the Slaughterhouse every animal which he intends to sell in the said

No. 172.
31st December, 1860.

Land vested in Townwardens for time being.

Saving Rights of Her Majesty.

CL. VI.
Clerk of the Market to be appointed by the Townwardens.

His authority.

CL. VII.
Salary of the Clerk of the Market.

Clerk of the Market to give Security faithfully to discharge the duties of his office, and duly to account for moneys.

CL. VIII.
Duties of the Clerk of the Market.

CL. IX.
Townwardens to provide Slaughter-house, &c., at which every animal is to be slaughtered, under a penalty not exceeding Five Pounds.

No. 172.
31st December, 1860.

CL. X.

Persons before exercising the Trade of Butcher to produce a Certificate that he is a person of good repute, signed by a Justice of the Peace or a Townwarden, and to obtain a Licence from the Townwardens, and subscribe Rules and Regulations made for the government of the Market.

Penalty for using the Trade of Butcher without Licence.

Townwardens may grant a Licence at any time of the year; if they shall see good cause to do so.

CL. XI.

Butcher's-meat and Turtle to be brought to the Market-House for sale.

Fish to be brought to such places as Townwardens shall appoint.

Penalties.

CL. XII.

[Slaughtered Meat may be brought into town.]

CL. XIII.

Huckstering Meat prohibited.

CL. XIV.

Hucksters selling in the Market to take out a Licence annually, and pay Ten Shillings for same.

Selling without a Licence, Penalty for each offence sum not exceeding Five Pounds.

CL. XV.

All Meats and Fish exposed for sale in the streets to be forfeited.

Market when killed, and there slaughter the same; and every Licensed Butcher who shall omit to do so shall forfeit and pay a sum not exceeding Five Pounds: *Provided always*, That nothing herein contained shall extend to any animal slaughtered for the use of Her Majesty's Forces.

And whereas the frequent depredations committed on Stock render it necessary that none but respectable persons should be allowed to use the trade of a Butcher: *Be it enacted*, That every person using and exercising the trade and occupation of a Butcher in the Town of Kingstown shall be a person of good repute, and within fourteen days after the first day of January, one thousand eight hundred and sixty-one in the next and every succeeding year, shall produce to the Townwardens a Certificate, signed by a Justice of the Peace or one of the Townwardens of the said Town, that he hath known the party named therein to be such, and the Townwardens shall be at liberty to grant any such person a Licence to exercise the trade of a Butcher for the current year, on payment by him of Ten Shillings; and every such person before he proceeds to exercise his trade shall subscribe the Rules and Regulations made or to be made for the better government of the said Market; and every person who shall exercise the trade or occupation of a Butcher in the said Town without being qualified and licensed as aforesaid shall forfeit and pay a sum not exceeding Five Pounds for each offence; and all Licences granted by the Townwardens shall continue in force until the thirty-first day of December in every year, and for such further time as shall be necessary to enable the parties licensed to take out an Annual Licence from the succeeding Townwardens: *Provided*, That the Townwardens shall be at liberty at any time during the year to grant a Licence to any person duly qualified to exercise the trade of a Butcher, if they shall see good cause so to do.

All Butcher's-meat and Turtle intended for open sale in the Town of Kingstown shall be brought to the Public Market-house for sale, except as hereinafter mentioned, and all Sea and River Fish shall be landed or brought to such place in the Town of Kingstown as shall be appointed by the Townwardens for that purpose, and no person shall sell or dispose of any Butcher's-meat, turtle, or fish in the Market-house or such other place until the same shall have been inspected and approved of by the Clerk of the Market, and by him pronounced to be wholesome and fit for sale; and every person offending against the provisions of this Clause shall forfeit and pay a Fine not exceeding Two Pounds for each offence.

Nothing herein contained shall extend to prevent any person who may slaughter any animal out of the limits of the said Town from sending and delivering any part of the same to and at the private dwelling-house of any person resident in the said Town.

Nothing herein contained shall extend to authorize any person to expose meat for sale, or publicly to carry the same for sale as a Huckster about the said Town.

Every person using or exercising the trade of a Huckster, by buying and selling commodities in the said Market, shall on or before the first day of January, one thousand eight hundred and sixty-one, in the next and every succeeding year, take out a Licence from the Townwardens of the said Town, for which he or she shall pay the sum of Ten Shillings, and subscribe the Rules and Regulations made or to be made for the better government of the said Market; and every person who shall exercise the trade of a Huckster in the said Market, without being qualified as aforesaid, shall forfeit and pay a sum not exceeding Five Pounds for every offence.

All meats and fresh fish that shall be found to be exposed for sale in the public streets or bay shall be forfeited, and the Police and other Constables of the said Town are hereby authorized and directed to seize such articles and to take them unto the nearest Justice of the Peace, who is hereby authorized to condemn one-half to the use of the Informer and the other half to the use of the Town; and the person claiming to be the owner of any such articles as aforesaid so exposed for sale in the public streets shall forfeit and pay the sum of Five Shillings for every offence; [*And*] *provided [also]*, That nothing herein contained shall prevent selling of milk, fresh

butter, eggs, wood, or horse-meat by any person or persons out of the said Market between six o'clock in the morning and eight o'clock in the evening.

All Fish and Flesh that shall be deemed by the Clerk of the Market to be unwholesome and unfit for use shall be detained by him until the same be viewed by any two respectable inhabitants being Freeholders of the Town, who are hereby required to attend on the application of the Clerk of the Market, under a Penalty of Ten Shillings each for neglect or refusal to attend, and on their Return that such fish or flesh is bad and unmarketable all such fish or flesh shall forthwith be thrown into the sea beyond the anchorage of all shipping, or otherwise destroyed by the Clerk of the Market; and any person bringing any tainted or decayed fish or meat into the Town for the purpose of disposing of the same, or otherwise, shall be liable to a penalty not exceeding Ten Pounds.

That if any person shall offer for sale any meat of any animal which has died in a diseased state, or which has been strangled, or which has died of poison, or has been slaughtered under any disease, every such person shall, on conviction thereof, be fined for each and every offence in a sum not exceeding Ten Pounds.

The Townwardens for the Town of Kingstown for the time being shall frame such Rules and Regulations to be observed in the said Market as by them shall from time to time be considered proper, such Rules and Regulations to be approved of by the Officer administering the Government for the time being and after being approved by him, shall be binding on all persons whomsoever; and any person infringing the said Rules and Regulations, on conviction, shall be liable to be fined for each and every such offence in a sum not exceeding Two Pounds, and in default of payment to be imprisoned for a period not exceeding Twenty Days.

That the Assize of best wheaten Bread and the Price thereof within this Island and its Dependencies shall be as follows, that is to say:—When best superfine flour shall be sold at Forty Shillings per barrel of One Hundred and Ninety-six Pounds, then the loaf of best white bread, of the value of One Shilling, shall weigh after being baked three pounds and six ounces; and the loaf of like bread, of the value of Sixpence, shall weigh after being baked one pound and eleven ounces; and the loaf of like bread, of the value of Threepence, shall weigh after being baked fourteen ounces; and the loaf of like bread, of the value of One Penny, shall weigh after being baked four-and-a-half ounces; and as the price of superfine flour rises or falls, the weight of the bread shall be altered by the Townwardens in proportion thereto.

The Clerk of the Market shall once in every month at least, and otherwise as often as he may deem necessary or be directed by the Townwardens of Kingstown so to do, enter the several baking-shops in the Town for the purpose of ascertaining the weight of bread, and also examine and weigh all bread publicly exposed for sale; and every person who shall oppose or molest any of the said Clerks of the Market, or who shall refuse to permit their bread to be weighed, or whose bread shall be found deficient in weight, shall, upon conviction thereof, forfeit and pay for each offence a fine not exceeding Two Pounds.

All commodities, goods, wares, and merchandise, other than those usually sold by tale, intended for sale, shall be sold by weight or measure and not otherwise, all such weights to be at Avoirdupois Weight, and all such measures to be at the Imperial Measure; and one set of such Weights and Measures as Standard Weights and Measures, and to bear a stamp of authentication on the face of each, shall be found and provided by the Townwardens of the Town of Kingstown for the time being, and shall be taken charge of and kept in good order and repair by the Clerk of the said Market in some convenient place in the Market-House for public use when required.

That the Clerk of the said Market shall, once in every three months at the least, and also at such other times as he shall deem necessary or be directed by the Townwardens aforesaid, inspect and ascertain the state of the weights and measures used in the said Market, and in the stores and

No. 172.
31st December, 1860.

CL. XVI.
Meat and Fish unfit for use to be destroyed by Clerk of Market.

CL. XVII.
Penalty for offering for sale the meat of animals poisoned or diseased.

CL. XVIII.
Townwardens to frame Rules for regulating the Market and sale of articles therein.

CL. XIX.
Assize and Price of Bread.

To be altered by Townwardens as the price of flour varies.

CL. XX.
Clerk of the Market to weigh and examine Bread.

CL. XXI.
Commodities to be sold by Standard Weights and Measures.

CL. XXII.
Clerk of the Market to inspect Weights and Measures.

No. 172.
81st December, 1860.

shops of the said town of Kingstown, and shall verify the same according to the standards aforesaid; and in cases wherein the Clerk of the said Market shall find any weights or measures deficient according to the standard aforesaid he shall take away and destroy the same; and any person who shall obstruct or prevent the Clerk of the said Market from inspecting his or their weights and measures, when called upon to produce the same for the purpose, or who shall use in the sale of any commodities whatsoever any other weights or measures than such as shall have been duly verified as aforesaid, shall, on conviction, forfeit any sum not exceeding Ten Pounds for each offence.

CL. XXIII.
Townwardens to appoint Fees and Stallage Dues.

And in order to raise a sufficient fund to defray the expense of erecting a Market House, inclosing the Market Square, and for other the purposes of this Act, it shall be lawful for the Townwardens of the said Town of Kingstown for the time being and their successors in office to appoint such Fees to be collected by the Clerk of the Market on all animals slaughtered at the Slaughter House, and on all meats and turtle brought to the said Market to be sold therein, and also to fix the Fee to be paid to the Clerk of the Market for certificate of approval of meats brought to him for inspection, and also to fix and appoint the Rent of stalls and seats to be used in the said Market, as by them shall be from time to time considered proper, subject to the confirmation of the Governor in Council; and each and every person resorting to or using the said Market-place for the purpose of selling any commodity whatsoever shall be and become liable to pay such fees and stallage as shall be imposed as aforesaid, and shall pay the same on demand to the Clerk of the said Market.

CL. XXIV.
Clerk of the Market to keep a Return of animals and turtles slaughtered, and of provisions.

The Clerk of the said Market shall keep a Return of all oxen, sheep, calves, lambs, pigs, goats and turtle, slaughtered every week for the supply of the said Market; and shall at the end of every month make out a Return thereof and publish the same, and shall state in writing such retail prices at which all meats and fish have been sold, and publish the same in the 'Royal Gazette' published on the Saturday next following the close of the said Monthly Returns.

CL. XXV.
Clerk of Market to pay over all Fees to Townwardens.

The Clerk of the Market for the said Town shall, on the first Tuesday in every month, pay over and deliver to the said Townwardens at their Office for the uses of this Act all fees, stallage-rents, dues, and fines which, under and by virtue of this Act, have been collected and received by him.

CL. XXVI.
Townwardens to keep Account of Moneys received and paid by them, and make Return half yearly to the Legislature, under a Penalty not exceeding Five Pounds.

The Townwardens of the said Town of Kingstown for the time being shall keep an Account of all sums of money received by them for or in respect of Fees, stallage-rents, dues, and fines, and of all moneys disbursed by them in and about the repairs and keeping in repair the said Market House, and the purposes of this Act, and shall at the First and Third Quarterly Meetings of the Legislature of this Island in each and every year deliver two copies of such accounts, one to the President of the Council and the other to the Speaker and Members of the General Assembly of this Government, and such accounts shall be open to the inspection of any ratepayers in the said Town at all seasonable hours: *Provided always*, That if the said Townwardens shall omit to deliver copies of such account, each of them for every such omission shall incur a fine not exceeding Five Pounds.

CL. XXVII.
No Games to be allowed to be played in the Market-place.

No person shall play at quoits, cricket, or any game or games in the Market-place in the said Town; neither shall it be lawful for any person to fly kites, trundle hoops, or leave any filth, rubbish, straw, or plantain-stalk in the said Market-place, and if any person be convicted of having offended against the provisions of this clause he shall forfeit and pay for each offence a fine not exceeding Five Shillings.

CL. XXVIII.
Clerk of Market neglecting duties to be fined or dismissed at discretion of a majority of Townwardens.

If the Clerk of the Market or his Deputy shall be guilty of any offence or wilful neglect of duty, contrary to the provisions of this Act, he shall for each offence forfeit and pay a sum not exceeding the sum of Five Pounds, and at the discretion of the Townwardens or a majority of them be dismissed from his said office.

CL. XXIX.
Licence of Butcher, if convicted of any petty Misdemeanour, to be cancelled.

If any person to whom any Licence shall be granted shall be convicted a second time of any petty misdemeanour, or of any petty offence, or of any petty misdemeanour and petty offence, or of any offence of a like nature, the

licence of any such person shall be cancelled by Order of the Justices at the time of such conviction, in addition to any punishment to which such persons may be adjudged, and a copy of such conviction shall be a sufficient certificate to the Townwardens, on the same being given to them by any clerk to the said Justices, that the Licence of such person hath been cancelled.

All Forfeitures incurred under any of the provisions of this Act shall be inquired of and adjudicated upon in a summary manner by any two or more Justices of the Peace, and the mode of procedure shall be according to "The Summary Procedure Act, 1853."

Every sum of money that shall be incurred as a penalty or fine for any offence against this Act shall be adjudged to be paid in the following proportions: one half to the Informer or person who shall sue for the same, and the other half to the Townwardens of the said Town of Kingstown for the time being, to be applied to the public uses of the said Town.

That in the construction of this Act the word Townwardens shall mean Townwardens appointed or chosen by virtue of any Act of the Legislature now in force, or hereafter to be in force, within this Government, for the appointment or choice of Townwardens of the town of Kingstown. All acts, matters, and things required to be done by the Townwardens may be done by any two of them, and in the event of there being an insufficient number of them, or no Townwardens, then any person duly qualified by Law to act as such may have and exercise all the powers, and do and perform all or any the acts, matters, or things, required by this Act to be had and exercised or to be done by the said Townwardens.

In citing this Act in any other Act of the Legislature, and in all Legal Instruments, it shall be sufficient to use the expression, "The Market Act of 1860."

No. 172.
31st December, 1860.

CL. XXX.

All Forfeitures to be recovered before two or more Justices of the Peace, and procedure to be according to "The Summary Procedure Act, 1853."

CL. XXXI.

All Forfeitures recovered, one half to be paid to Informer, and the other half to the Townwardens.

CL. XXXII.

All powers, &c., which may be exercised by the Townwardens may be exercised by any persons who by law are vested with the same powers, &c.

CL. XXXIII.

Title of Act.

No. 173.

An Act for the Increase of Fish and the Protection of the Fisheries in this Colony.
[10th January, 1861.]

WHEREAS the supply of Fish in this Colony is seriously affected by the use of Nets the Meshes of which are too small to admit of the escape of the smaller fish, and it is deemed expedient to make provision in respect thereof; *Be it therefore enacted*, That no net or seine shall be hauled in the sea around this Colony of less meshes than the following, that is to say: Every mesh in the bunt of each seine or net shall be one inch square at the least, and the meshes in the arms of each seine shall be two inches square at the least, and if any person shall cast, draw, or haul any seine or net in the sea on the shores of this Colony of less meshes than by this Act directed he or she shall be deemed guilty of a Petty Misdemeanour within the meaning of "The Summary Offence Act, 1854."

It shall be lawful for any Townwarden, Justice of the Peace, Constable, or Peace Officer, to inspect and measure any seine or net which he shall see cast into the sea, or drawn or hauled on the shores of this Colony, and if found on inspection and measurement to be other than authorized by this Act, to seize, take, and carry away the same in order to its condemnation as hereinafter provided. And any Police Magistrate or any two Justices of the Peace shall, on the hearing of any information or complaint touching such seine or net, on proof that the same is not according to the provisions of this Act, declare the same to be forfeited, and shall make an order forthwith for the immediate sale thereof by any Constable then present, and the proceeds of such sale shall be divided as hereinafter mentioned.

Any person preventing, hindering, or obstructing a person duly authorized in that behalf, when inspecting or measuring, or lawfully seizing any seine or net as aforesaid, shall be deemed guilty of a Petty Offence within the meaning of "The Summary Offence Act, 1854."

Any person who shall unlawfully and wilfully destroy any Turtle or other fish, or take any turtle or fish out of any fish-net, crawl, or pot set for the purpose of taking or preserving any turtle or fish, or take or destroy any

Preamble.

CL. I.

Size of Meshes in Seines.

Penalty for using Seines of less Meshes.

CL. II.

Townwardens and other Officers to seize Seines used with Meshes of lesser size.

And Seines to be forfeited.

CL. III.

Penalty in case of persons obstructing Officers in the discharge of their duties.

CL. IV.

Destroying Turtle or Fish.

No. 173.
10th January, 1861.

CL. V.
Poisoning Streams.

CL. VI.
Mode of Procedure
and application of
penalties.

CL. VII.
Short title of Act.

fish-net or pot lawfully used for that purpose, shall be deemed guilty of a Petty Misdemeanour within the meaning of "The Summary Offence Act, 1854."

Any person who shall poison Rivers or Streams in this Island, or shall turn or obstruct any of the rivers or streams for the purpose of taking or destroying fish, or shall poison any part of the sea at the embouchure of any river or stream running into the sea for a like purpose, shall be deemed guilty of a Petty Misdemeanour within the meaning of "The Summary Offence Act, 1854."

The mode of Procedure in all cases under this Act shall and may be according to the proceedings of "The Summary Procedure Act, 1853," and the fines and forfeitures shall be adjudged to be paid as follows: one half to the person who shall inform against the offender and the other half to the Treasurer for the public uses of this Colony.

In citing this Act it shall be sufficient in all cases to use the expression "The Fisheries Protection Act, 1860."

No. 174.

An Act to amend "The Immigration Act, 1857."

[15th July, 1861.]

WHEREAS, by the Thirty-fourth Clause of the "Immigration Act, 1857," of the Government of St. Vincent, it is provided, that it shall be lawful for the Governor in Council from time to time to make and promulgate Rules and Orders respecting the Lodging, Medicine, Medical attendance, care, food, and clothing, and for the general treatment of all Immigrants, and that the regulations so made shall be deemed part of the Contract of the Employer and the Immigrant: *And whereas*, in pursuance of the power so given as aforesaid the Governor in Council did, on the fifteenth day of November, in the year of our Lord one thousand eight hundred and fifty-nine, make and promulgate, amongst other Rules and Orders, the Rules and Orders following, that is to say:—

RULE 5. Wages shall be paid to the Immigrants at least once a month in Cash, when all wages due shall be paid up in full, and it shall not be competent or lawful to the Employer or any person acting for or under him, without the consent of the Immigrant, to deduct from such wages any account, set-off, or sum of money whatever for or on account of any rum, provision, or other articles supplied by such Employer, or from any shop kept by any other person.

RULE 6. In addition to wages for the first month after Indenture, every Immigrant shall be provided, at the cost of the Proprietor on every Estate on which such Immigrant shall be located, with rations as follows:—

Ten Pounds of Rice,	} Per week.
Three Pounds of Salt Fish,	
Half Pound of Ghee or Butter.	

Children under sixteen years of age, and above eight years, shall receive two-thirds of the above allowance, and children under eight years of age one-half of the said allowance; but it shall be lawful for the Immigration Agent, in case of need, to sanction the substitution of an equivalent in other dietary in lieu of the above.

And whereas it is deemed advisable to make further provision in respect of the food and provision to be made and provided for Coolie Immigrants during the first three months of their service under Indenture: *Be it therefore enacted* by the Governor, Council, and Assembly of the Government of the Island of St. Vincent and its Dependencies, as follows, that is to say:—

CL. I.
[Employers may provide Coolies with food during their second and third months of service.]

It shall and may be lawful for any Employer of a Coolie Labourer in the said Island of St. Vincent or its Dependencies, under Indenture of service, in addition to providing rations for the first month of service as prescribed by the said hereinbefore recited Rule, to make such further provision

for the feeding and providing such Coolie Labourer with wholesome and proper food during the second and third months of his service as is herein-after authorized, provided it shall be found necessary for the health and comfort of such Labourer so to do, of which the Governor is to be the Judge: *And provided also*, That a written application for that purpose be made by such Employer to the Governor, setting forth the reasons for such application, and the number and name of the Labourer, or where more than one is included in such application the numbers and names of each of the Labourers in respect of whom such application is made: *And provided also*, That a written warrant or authority to make such provision be first had and obtained from the Governor by such Employer, and such warrant or authority shall particularize the nature, description, and quantity of the food to be furnished, and the amount or proportion of the Labourer's wage or pay which it shall be lawful to appropriate in providing such food, and the length of time during which the Employer shall be authorized to provide the same out of the Labourer's pay, such time in no case to exceed two months next following the first month of service of such Labourer.

That every Employer of such Coolie Immigrant Labourer as aforesaid, who shall have obtained such warrant or authority from the Governor as aforesaid, shall be at liberty to find and provide for every such Coolie Immigrant Labourer as shall be included in such warrant or authority, and during such time or times as shall be thereby authorized, such food and provisions as shall be directed or authorized by such warrant or authority in lieu of such portion of the Labourer's wages or pay as by such warrant or authority shall be authorized to be expended therein, and it shall be lawful for such Employer to deduct from the monthly wages or pay of such Labourer such sum of money as shall by such warrant or authority as aforesaid be authorized to be expended in providing him with food as aforesaid; provided the amount be actually expended for that purpose, any Law, rule, usage or custom to the contrary notwithstanding.

This Act shall be read and construed, together with the several Immigration Acts of this Colony, as one Act, and as though the same had been incorporated therein; and if it be necessary to cite the same separately from any of such Acts, the same shall be cited as "The Amended Immigration Act, 1861."

No. 174.
15th July, 1861.

CL. II.
[Employers may, under the Governor's warrant, provide Coolies with food in lieu of wages.]

CL. III.
[Construction and Title of Act.]

No. 175.

An Act to amend "The Amended Summary Offence Act, 1860."

[16th October, 1861.]

WHEREAS certain Fines, Penalties, and Forfeitures are laid and imposed in and by "The Amended Summary Offence Act, 1860," of the Government of St. Vincent, and the same are not thereby expressly made payable to Her Majesty, her heirs and successors, which may involve difficulties in dealing with the same:—for remedy whereof, *Be it enacted* by the Governor, Council, and Assembly of the said Government, That all Fines, Forfeitures, and Penalties laid or imposed in, by, or under the said "Amended Summary Offence Act, 1860," of the said Government shall be, and the same are hereby declared to be payable to Her Majesty the Queen, her heirs and successors for the Public uses of this Colony and the Government thereof.

Preamble.

Fines and Penalties under Amended Summary Offence Act, 1860, to be to Her Majesty, her heirs and successors for the Public uses of the Government of St. Vincent.

No. 176.

An Act to alter and amend "The Immigration Act, 1857," and "The Amended Immigration Act, 1858."

[2nd April, 1862.]

WHEREAS it has been deemed just by Her Majesty's Government and acceded to in this Colony that the expense attendant on the introduction of Immigrants should be borne in the proportions of two-thirds by the Planting

Preamble.

No. 176.
2nd April, 1862.

Interest, and one-third by the General Revenue, and by these means and in that proportion the Immigration Fund in this Colony is now formed and contributed to: *And whereas* by the 5th Clause of "The Amended Immigration Act, 1858," it is provided that the Employer to whom Immigrants shall be allotted shall pay to the Treasurer one-half of the bounty or passage-money paid in respect of such Immigrants, by means of which Enactment the Planting Interest is called on and does pay five-sixths instead of two-thirds of the expense of the introduction of Immigrants, and the General Revenue contributes only one-sixth, which is found to be oppressive on the Planter: *And whereas*, in consequence of the impossibility of allotting and distributing Immigrants equally throughout the Colony, it is necessary that those Planters to whom they are allotted should contribute something to the Immigration Fund: *And whereas* it is deemed necessary to confer on the Agents obtaining Immigrants in the East Indies or China the power of entering into express contracts on behalf of the Colony with the Immigrants, and to give validity within this Colony to such Contracts: *And whereas* cases may arise in which it may be desirable to allow the commutation of the services of Immigrants in manner as hereinafter provided: *And whereas* it is expedient to make the provisions hereinafter contained in respect of Liberated Africans: *Be it enacted*, by the Governor, Council, and Assembly of the Island of St. Vincent and its Dependencies as follows, that is to say:—

CL. I.
Instead of one-half to Employer, to pay one-fourth of Bounty.

Instead of one-fifth, Employer to receive back one-tenth on Immigrant failing to re-indent for two last years.

Instead of one-tenth to receive back one-twentieth for last year.

On Immigrant indenting himself for two last years to other Employer, such Employer to pay Treasurer one-tenth.

On Commutation of last year of service, second Employer to receive back one-twentieth.

CL. II.
Contracts entered into in India or China to be valid, and effectual if entered into with the Immigration Agent according to this Act.

From and after the passing of this Act, in lieu of one-half the Bounty or passage-money made payable to the Treasurer by the Employer to whom Immigrants shall be allotted under the said 5th Clause of "The said Amended Immigration Act, 1858," there shall be paid and payable by such Employer one-fourth part of such Bounty or passage-money, such Bounty or passage-money to be deemed as including all incidental charges for collection and maintenance or otherwise until distribution: *Provided always, and it is hereby further enacted*, that in lieu of one-fifth part of the Bounty or passage-money made payable under the said 5th Clause of the said Amended Immigration Act, 1858, by the Treasurer to the Employer of an Immigrant in the event of such Immigrant failing to re-indent himself to the same Employer for the two years next following the first three years of his service, and commuting such two years' service by a money payment or indenting himself to another Employer, there shall be payable only one-tenth of such Bounty or passage-money; and in lieu of the one-tenth of such Bounty or passage-money made payable under the said 5th Clause to the Employer of an Immigrant as aforesaid on the commutation of his last year of service by the Immigrant there shall be payable one-twentieth part of such Bounty or passage-money to the Employers, and that in case when an Immigrant shall indent himself for the two last years of his term of service to an employer, other than the person to whom he was indented for the first three years of service, such second Employer shall pay to the Treasurer one-tenth part of the full Bounty or passage-money originally paid in respect of such Immigrant, in lieu of the one-fifth part thereof as provided by the said 5th Clause, and such second Employer shall, in case such Immigrant shall commute his last year of service, receive back from the Treasurer one-twentieth part of the said Bounty or passage-money in lieu of one-tenth part thereof as provided by the said 5th Clause.

From and after the passing of this Act Contracts of Service to be performed in the Government of St. Vincent according to the Law for the time being in force there, and for periods not exceeding three years from the date of registration thereof in the said Government, and with such provision for performance of two subsequent years' labour as by Law is sanctioned and provided for, shall and may be lawfully entered into in India or China (subject as hereinafter mentioned) between Immigrants from India or China to St. Vincent, and such person or persons as shall be the duly authorized Emigration Agent or Agents in India or China of this Colony, provided that such Contracts be entered into in manner prescribed by this Act, and every such Contract so entered into shall be equally valid and effectual as if it had been entered into in St. Vincent according to the Law existing there at the

time of the date of such Contract, anything in the Immigration Acts of the said Government to the contrary contained notwithstanding: *Provided also*, That every such Contract, and the proceedings of the Emigration Agent in relation thereto, shall be regulated and governed by such Orders, Rules, and Regulations as are or shall be established by Her Majesty's Government in that behalf.

No. 176.
2nd April, 1862.

The Emigration Agent shall, before any such Contract shall be completed, explain the same fully to the Immigrant, and also the liability of such Immigrant to be allotted by the Government of St. Vincent to an Employer in St. Vincent on the terms and conditions provided by Law, which shall also be explained to the Immigrant, and the Emigration Agent shall be satisfied that the same are fully understood by the Immigrant, and when necessary for the purpose aforesaid the aid of a duly qualified interpreter shall be called in by such Emigration Agent.

CL. III.
Before Completion of Contract, same to be fully explained to Immigrant.

If the Emigration Agent shall be satisfied that the Contract is fully understood by the intended Immigrant he shall as soon as possible have the same signed in his presence by the Immigrant with his name or mark, and he shall certify the same by a docket signed by himself; and in every such Contract in the list of Immigrants contained therein or thereto attached shall place a separate number opposite the name of each Immigrant.

CL. IV.
Contract to be signed in presence of Emigration Agent, and docketed and signed by him.

The Contract and Docket shall contain the items, and shall be as nearly as may be in the terms, of Form A annexed to this Act; but no such Contract shall be void or voidable on account of any informality which does not affect it in substance; and a Copy of any such original Contract, after the said original shall have been registered by the Immigration Agent in St. Vincent, certified by such Immigration Agent, shall be deemed sufficient proof and evidence of such Contract, and shall have the same effect in Law as the original Contract of which it purports to be a copy, subject only to proof that it is false or inaccurate.

CL. V.
Form of Contract

Certified Copy thereof to be good evidence.

The Emigration Agent shall, upon the first opportunity after the completion of each Contract, dispatch the Immigrant engaged therein to the Immigration Agent in St. Vincent along with the original of his Contract, and the said Immigration Agent immediately on the arrival at St. Vincent of such Contract shall cause the same to be registered in the books of his office.

CL. VI.
Contract to be forwarded to Immigration Agent in St. Vincent and there registered.

The Immigration Agent shall, as soon as possible after the arrival of Immigrants from India or China, set aside such as shall select for themselves individual Employers pursuant to the Act in that behalf, and shall proceed to allot such as shall not have selected Employers for themselves to persons having applied for them according to Law; and in all cases whether of selection or allotment, in cases where the Immigrant shall decline to enter into an Indenture with the selected or allotted Employer as required by the present Immigration Acts, the Immigration Agent shall execute in triplicate a Certificate of Allotment in the Form B to this Act annexed, such triplicates to be disposed of, delivered, and dealt with in like manner as the Indentures under the said Immigration Acts are directed to be disposed of.

CL. VII.
Immigration Agent to execute Certificates of Allotment in cases where Indenture is not entered into.

Certificate to be in triplicate.
In form B.

A Certificate of Allotment executed as by this Act is required shall operate as a binding obligation on the parties therein named on the terms and conditions therein expressed, provided the same are in accordance with the original Contract, and shall have the same force and effect to all intents and purposes as if an Indenture to the like effect had been executed by and between the same parties pursuant to the terms of the said Immigration Acts; and all and every the provisions of the Law in force for the time being relating to Immigrants under Indenture shall equally apply to Immigrants under Certificate of Allotment.

CL. VIII.
Certificate of Allotment to have same effect as Indenture of Service.

In the event of any Immigrant from India or China, or any Liberated African, being desirous of commuting the full term of service or any part thereof, either of himself, his wife or child, or other member of his family, by a money payment, it shall be lawful for the Governor, on a report to him made by the Immigration Agent of any such case, to cause the same to be inquired into by a Board consisting of the said Immigration Agent and the Police Magistrate of the district; and on a full report by such Board to the

CL. IX.
Commutation of Service to be allowed.

No. 176.
2nd April, 1862.

Governor of the facts of the case and of the terms of the proposed Commutation, it shall be lawful for the Governor, if he see good cause, to permit and authorize the same by warrant under his hand: *Provided always*, That no Contract or Indenture or Allotment of Service shall be cancelled or deemed to be terminated until a subsequent warrant under the hand of the Governor declaring the same to be cancelled shall have been issued and published in the 'Gazette,' and notice thereof given by the Immigration Agent to the Employer of the Immigrant: *And provided also*, That no such Commutation shall take place without full payment in cash to the Employer of such sum as he shall have paid to the Colonial Government in respect of such Immigrant if the term of service to be commuted shall be two years, or more than two years; two-thirds of such sum if the term shall be less than one year and a half and more than one year; and one-third if one year or less: *And provided also*, That full payment of the amount paid from the Immigration Fund of the Colony in respect of any such Immigrant shall be secured to the satisfaction of the Governor, and paid to the Treasurer either in cash or in such instalments to be secured and payable as shall by Order in that behalf be made by the Governor, except in cases where from meritorious services or other cause the Governor shall think an abatement ought to be made in payment of the amount payable to the Immigration Fund by such Immigrants; and in any such case the Governor, with the consent of the Executive Council, may direct abatement thereof either in full or in part, as shall seem to the Governor in Council just and right.

CL. X.
Liberated Africans.

Preamble.
Governor to issue
Warrant for payment
of the expenses of in-
troduction of Libera-
ted Africans from Im-
migration Fund.

And whereas Liberated Africans are now sent as Immigrants to these Colonies at the cost of Her Majesty's Government, and it is deemed just that the Colony benefiting by their labour should defray the cost attendant on sending them to the Colony from the place where they were first landed: *Be it therefore enacted*, That from and after the passing of this Act it shall be lawful for the Governor, and he is hereby authorized from time to time on the arrival of Liberated Africans to this Colony who are or shall be sent to be dealt with as Indentured Immigrants under the Immigration Acts now or hereafter to be in force, to issue his Warrant to the Treasurer for payment from and out of the Immigration Fund of all expenses incurred by Her Majesty's Government and attendant on the sending such Immigrants from the place of embarkation to this Colony, and also for their maintenance until indentured.

CL. XI.
On Allotment of adult
Liberated African for
three years, Employer
to pay one-fourth cost
of Introduction.

Every person to whom an adult Liberated African shall be allotted for service for three years, or who being under the age of fifteen shall be allotted for service till he attain the age of eighteen, shall, prior to the Indenture being executed, pay to the Treasurer towards the Immigration Fund one-fourth part of the sum paid from the Immigration Fund for or in respect of the expenses attendant on bringing such Immigrant to this Colony and his maintenance till indentured: *Provided always*, That in special cases reported by the Immigration Agent the Governor shall be at liberty to allow the term of service aforesaid, or any portion thereof, of any such Liberated African to be commuted on such terms and in such way as he the Governor shall see fit.

Proviso.
In special cases, Go-
vernor may sanction
Commutation of Ser-
vice.

CL. XII.
Indenture under the
Immigration Act to be
no longer in triplicate,
but executed in origi-
nal and duplicate.
Copies thereof, certi-
fied by the Immigra-
tion Agent substituted
for the duplicate and
triplicate Indenture.

And whereas by "The Immigration Act, 1857," it is provided that Indentures or Contracts of Service shall be executed in triplicate, which gives rise to great delay and difficulties in the preparation and execution of the same; for remedy whereof, *Be it enacted*, That it shall be sufficient hereafter that One Indenture or Contract, be executed by the parties thereto, and that duly certified copies thereof by and under the hand of the Immigration Agent shall for all purposes of the said Act be deemed equal to and of the same force and validity as the original, and that the original shall remain in the office of the Immigration Agent, and copies as aforesaid shall be delivered to the Immigrant executing the same and to the Police Magistrate of the district, in lieu of the Duplicate and Triplicate Originals as heretofore.

CL. XIII.
The Acts of 1857, 1858,
and this Act to be read
as one Act.
Short title of Act.

This Act, and the said "Immigration Act, 1857," and "The Amended Immigration Act, 1858," shall be read and construed together as one Act, and where it shall be necessary to cite this present Act apart from the said recited Acts, the same shall be cited as "The Amended Immigration Act, 1862."

SCHEDULE A.
Form of Contract.

No. 176.
2nd April, 1862.

I [or We, where more than one Immigrant is included in the Contract], the undermentioned Immigrant [or Immigrants], from _____ to St. Vincent, hereby engage to serve the Employers to whom we may be respectively allotted by the St. Vincent Government for the period of three years from the date of Registration of this Contract in St. Vincent on the terms and conditions provided for by the Law of St. Vincent in force at the time of entering into this Contract; and I [or We] further engage after the expiry of such service to enter into Contracts of Service, one or more, with other persons to be agreed upon hereafter until I [or We] shall have completed the full period of five years' industrial residence in St. Vincent.

[Here follow the signatures and marks of the Immigrants.]

The above Contract was fully explained and the terms of the St. Vincent Law stated to the said Immigrant [or Immigrants] in my presence, and this Contract signed by him [or them] in my presence with his [or their] names or marks, and also signed by me on behalf of the Government of St. Vincent at _____, this _____ day of _____ 18 _____.

A. B., Emigration Agent at _____ for St. Vincent.
Registered at the Immigration Office _____, St. Vincent, the _____ day of _____, 18 _____.

C. D., Immigration Agent.

[List of names and numbers of Immigrants to be endorsed hereon.]

SCHEDULE B.

Certificate of Allotment.

No. _____.

I certify that I have this day allotted to [name of Employer] for service at [place where service to be performed] as [nature of service] for the term of [length of term], commencing on the _____ day of _____ instant and terminating on the _____ day of _____, which will be in the year one thousand eight hundred and _____, the [Coolie or Chinese] Labourer named _____ and numbered _____, pursuant to the Contract for Service entered into by the said _____ at _____, dated the _____ day of _____, 18 _____, on the terms and conditions following, that is to say: [here set forth the particulars, terms, and conditions of service, the rate of wages, allowances, and provisions by Law directed and prescribed].

Given under my hand at Kingstown, St. Vincent, the _____ day of _____, 18 _____.
Registered in the Office of the Immigration Agent _____, St. Vincent, the _____ day of _____, 18 _____.

Immigration Agent.

No. 177.

An Act to raise a further Duty on Spirits made and consumed in Saint Vincent, and to make applicable to such further Duty the Provisions of "The Rum Act, 1853." [10th April, 1862.]

WHEREAS it is deemed expedient to increase the duty on Spirits made and consumed in this Colony: Be it therefore enacted by the Governor, Council, and Assembly of the Government of the Island of St. Vincent and its Dependencies, as follows, that is to say:—From and after the passing of this Act, in addition to the duty of One Shilling per gallon made payable on spirits as provided by "The Rum Act, 1853," of this Government, there shall be raised, levied, collected, and paid to Her Majesty, her heirs and successors, for the Public uses of the said Government, on every gallon of Spirits which, under the said "Rum Act, 1853," shall be liable to the payment of the Duty of One Shilling thereby imposed, the further and additional Duty of Sixpence.

The additional Duty of Sixpence a gallon by this Act imposed on Spirits as aforesaid shall be chargeable and charged, payable and paid, collected, received, proceeded for, and enforced at the same time, and in the same

Preamble.

CL. I.

Sixpence a gallon on Spirits made and consumed in the Colony, to be raised in addition to pre-existing Duty of One Shilling.

CL. II.

Rum Act of 1853 extended to enforce the further Duty of 6d.

No. 177.
10th April, 1862.

CL. III.
Process under Rum
Act, 1853, applicable
to this Act.

CL. IV.
Drawback of Extra
Duty of 6d., in addi-
tion to Duty of One
Shilling, allowable.

CL. V.
Title of Act.
This and the Act of
1853 may be read as
one Act.

manner, and by the same means, and by the same persons, and under the like penalties, and subject to the same provisions in all respects as the Duty of One Shilling a gallon on such Spirits is by the said "Rum Act, 1853," provided and directed to be charged, paid, received and enforced.

All and every the provisions and enactments, powers and authorities in and by the said "Rum Act, 1853," contained and given for charging and enforcing payment of the said Duty of One Shilling thereby imposed on Spirits as aforesaid shall and are hereby declared to extend and be applicable to, and shall and may be used, put in force, and exercised for the purpose of charging and enforcing the said additional Duty of Sixpence a gallon hereby imposed on such Spirits as aforesaid; and all or any Warrants or other process or proceedings directed by the said "Rum Act, 1853," to be issued, had or taken for enforcing payment of the Duty thereby imposed, and all forms provided in and by the said last-mentioned Act, shall and may hereafter be used and altered accordingly for the purpose of enforcing payment of the duties of One Shilling and Sixpence, in lieu of the Duty of One Shilling imposed by the said "Rum Act, 1853."

Where Drawback or repayment of Duty on the exportation of Spirits shall be lawfully claimable under the provisions of the said "Rum Act, 1853," the Exporter of all Spirits on which there shall have actually been paid the additional Duty imposed by this Act, and which shall be proved to the satisfaction of the Treasurer, shall be entitled to receive from the Treasurer as well such additional Duty of Sixpence as the original Duty of One Shilling.

This Act and the said "Rum Act, 1853," shall be read and construed together as one Act, and when necessary to cite the same with the said "Rum Act, 1853," the same may be cited as the "Rum Acts, 1853 and 1862," and when necessary to cite the same apart from the said "Rum Act, 1853," the same shall be cited as the "Rum Act, 1862."

No. 178.

An Act to extend and make applicable to the Colony of Saint Vincent certain Enactments and Provisions contained in "The Customs Consolidation Act, 1853," of the United Kingdom, and to confer the necessary Authority on the Governor to carry the same into effect.

[23rd April, 1862.]

Preamble.
Recites Section 150 of
Act of 16 & 17 Vict.
c. 107, of the United
Kingdom.

CL. I.
Goods may be pro-
hibited to be exported
by Proclamation.

WHEREAS, by Section 150 of "The Customs Consolidation Act, 1853," of the United Kingdom, it is enacted and provided that the following Goods may by Proclamation or Order in Council be prohibited either to be exported or carried coastwise:—Arms, Ammunition and Gunpowder, Military and Naval Stores and any articles which Her Majesty shall judge capable of being converted into or made useful in increasing the quantity of military or naval stores; Provisions or any sort of Victuals which may be used as food by man; and that if any Goods so prohibited shall be exported from the United Kingdom, or carried coastwise or be water-borne to be so exported or carried, they shall be forfeited: *And whereas* it is expedient that similar provisions should be made in respect of this Colony and the necessary power vested in the Governor, *Be it therefore enacted* by the Governor, Council, and Assembly of the Government of the Island of St. Vincent and its Dependencies, as follows, that is to say:—

From and after the passing and publication of this Act the following goods may by Proclamation, to be issued by the Governor with the advice and consent of the Executive Council, be prohibited either to be exported from or carried coastwise in this Colony, that is to say:—Arms, Ammunition and Gunpowder, Military and Naval Stores, and any articles which the Governor, with such advice and consent as aforesaid, shall judge capable of being converted or made useful in increasing the quantity of military or naval stores; Provisions, or any sort of Victuals which may be used as food by man; and if any goods so prohibited shall be exported from this Colony

or carried coastwise, or be water-borne to be so exported or carried, they shall be forfeited.

It shall be lawful for the Treasurer or his Deputy, or any person authorized by the Treasurer in writing, or for any Officer of the Colonial Customs, or the Inspector-General of Police, or any Police or other Constable, or for any other person who is or shall be authorized by any Act of this Government now or hereafter to be enforced to seize or detain any prohibited goods, or goods liable to Seizure or Forfeiture under any such Acts respectively, to seize and detain all goods liable to Forfeiture under this Act.

All and every the powers and authorities now vested or hereafter to be vested in or given to the Treasurer or his Deputy, or the [? any] Officer of the Colonial Customs, or the Inspector-General of Police, or any other person by any Act of this Government now or hereafter to be in force authorizing or in relation to the searching for, or seizing, or detaining any goods prohibited to be imported into this Colony, or forfeited goods or goods liable to forfeiture or seizure, or reasonably suspected to be liable to seizure or forfeiture for breach of any Law now in force or hereafter to be in force[d,] or shall and may be used or exercised and put in force for the purpose of searching for, seizing and detaining any goods liable to Forfeiture, or reasonably suspected to be liable to Forfeiture under the provisions of this Act, in like manner as if such powers and authorities were expressly given by and enacted in this present Act; and it is hereby expressly declared that all and every such powers shall and may be exercised either on shore, on the lands of this Colony, or on board any Ship or Vessel lying or being in any of the Ports or Bays thereof, or off the said Island of St. Vincent or its Dependencies and within Three Miles' distance of any of the lands thereof.

All Goods seized as liable to forfeiture under this present Act shall on seizure be dealt with, condemned, sold and disposed of in like manner as goods liable to Seizure, forfeiture or condemnation under the Law for the time being in force relating to the Colonial Customs, and all such goods, and the owners and claimants thereof, if any, shall be liable to be and shall and may be proceeded against in the manner as goods seized under the Colonial Law relating to the Customs, and the owners and claimants thereof are or shall be liable to or may or might be proceeded against by the Laws for the time being in force in this Colony relating to the same, and all and every the provisions and enactments contained in such Laws as aforesaid in anywise relating to actions or prosecutions or other legal proceedings thereunder, or for the protection of persons acting under the authority of the same, or relating to the forms to be observed or the evidence to be received in any such actions or prosecutions or legal proceedings, or the payment of costs, shall and are hereby expressly extended, and declared to be applicable to this Act, and shall be observed and enforced in all actions, prosecutions or legal proceedings under this present Act in the same manner as if the same had been specially enacted.

This Act shall be cited as "The St. Vincent Prohibitory Exportation Act, 1862."

No. 178.
23rd April, 1862.

CL. II.
Power to seize and detain Goods liable to Forfeiture.

CL. III.
Powers of searching, seizing and detaining prohibited goods, or goods liable to Seizure under other Acts of the Colony, extended to Goods prohibited to be exported by this Act.

CL. IV.
Proceedings in case of goods seized under this Act, to be similar to those in case of goods seized under the Customs Laws.

CL. V.
Short title of Act.

No. 179.

An Act to facilitate Public Officers of the Government of St. Vincent in providing Security for the due Performance of their Duties.

[Published 14th May, 1862.]

WHEREAS various Public Officers of this Government are by Law required to find Sureties for the due performance of their duties, and the security required (except in certain cases when by Law the same is authorized to be given in England under the sanction of the Secretary of State) is required to be by Recognizance which is declared to be a charge on the real estate of the sureties entering into the same, and certain Oaths as to the value of such real estate over and above incumbrances are required to be taken by such

Preamble.

No. 179.
14th May, 1862.

CL. I.
Public Officers may
give Security by the
Guarantee Association
of London.

Such Security to be by
Deed duly proved and
Registered in the
Colony.

CL. II.
Security may be given
in part or in whole
under the provisions of
this Act.

All expense attendant
on security given out
of the Colony to be
paid by Public Officer
giving same.

CL. III.
The provisions of this
Act extended to cases
wherein Security sub-
stituted for security
already given.

CL. IV.
Short title of Act.

sureties: *And whereas* it is deemed advisable to afford facilities to persons who may be appointed to fill Public Offices in this Colony in providing security for the due performance of their duty: *Be it therefore enacted* by the Governor, Council, and Assembly of the Government of the Island of St. Vincent and its Dependencies, as follows, that is to say:—

Whenever in or by any Act of the Legislature of this Colony already passed or to be hereafter passed Security is required to be given by any Public Officer of this Government for the due performance of his duty, it shall be lawful for Her Majesty's Principal Secretary of State for the Colonies in all cases where he is by Law authorized to accept security in England for any Public Officer of this Government, and in all other cases for the Governor in Council to accept as such security, if proposed in lieu of the security by Law required, the security or guarantee of the Guarantee Association of London: *Provided that*, upon such security being accepted, a Bond or other valid Deed be perfected by the said Society, by which the amount proposed to be secured shall be made payable to Her Majesty the Queen, her heirs and successors for the public uses of this Government, in cases of default made in the condition to such securityship annexed: *And provided also*, that before such security shall be deemed to be perfected the execution of such Bond or other Deed be in all respects duly proved on Oath or by Declaration in manner required by the Laws of this Government for the time being in force relating to the Deeds requiring to be registered in the Office of the Registrar of Deeds, and lodged with the Registrar of Deeds of this Government: *And provided also*, that the same be duly registered in the Registrar's Office; and the security so taken and substituted for the security by law required shall in case of breach of the condition thereof be in all respects subject to the same proceedings, rules, and regulations as the security for which it shall be substituted.

It shall be lawful for every person who after the passing of this Act shall be appointed to fill any Public Office within this Government, in respect of which Security is or shall be required to be given by any Act now in force or hereafter to be in force, to give the security by Law required either wholly in manner directed and provided by the Act relating to the Office to which he shall be appointed or by which security is required, or partly in manner provided by such Act, and partly in manner provided by this Act, or wholly in manner provided by this Act: *Provided always*, That whenever any such Public Officer shall offer security in any manner for any amount out of this Colony all expense thence arising or attending the same, or in the preparing, taking, perfecting, and transmitting the same to this Colony and Registering the same, shall be borne and paid by such Public Officer.

This Act and the provisions thereof shall be construed to extend and be applicable to the cases of all Public Officers of this Government already appointed or to be hereafter appointed who may require at any time hereafter from any cause to substitute Security in the room of security already given.

This Act shall be cited as "The Public Officers' Security Act, 1862."

No. 180.

An Act to repeal so much of "The Council and Committee Act, 1859," as gives Salaries to the Members of the Administrative Committee.

[5th June, 1862.]

Preamble.
Recites 13th Clause of
Council and Com-
mittee Act, 1859.

CL. I.
Repeals such parts of
said Act as gives Salary
to the Members of the
Administrative Com-
mittee.

WHEREAS by the Thirteenth Clause of "The Council and Committee Act, 1859," it is provided that the Three Members of the Administrative Committee shall be paid at and after the rate *per annum* fixed in the Schedule to the said Act annexed; and by the said Schedule the Sum of Two Hundred Pounds is fixed as the Salary of each of the said Members: *And whereas* it is deemed expedient to repeal so much of the said Act as gives a Salary to the said Members of the said Administrative Committee: *Be it therefore enacted*, by the Governor, Council, and Assembly of the Government of the Island of St. Vincent and its Dependencies, that so much of the said recited Thirteenth Clause of the said recited Act, and so much of the Schedule to

the said Act annexed, as gives or fixes any Salary to or for the Members of the Administrative Committee shall be and the same is and are hereby repealed.

That such provision for carrying on the duties devolving on the said Members of the said Administrative Committee, and compensating the person or persons appointed to perform the same, shall be made as shall be enacted and provided in that behalf by Act to be passed by the Legislature of this Colony.

That so much of the Tenth Clause of the said recited Act as requires the Administrative Committee to discharge the Duties of a Board of Audit, and the Duties formerly performed by the several Committees of Public Accounts and Public Buildings shall be and the same is hereby repealed.

That the Fifteenth Clause of the said recited Act shall be and the same is hereby repealed.

That in citing this Act it shall be sufficient to cite the same as "The Amended Council and Committee Act, 1862."

No. 180.
5th June, 1862.

CL. II.
Future provision to be made for performance of duties now devolving on Committee.

CL. III.
Repeals so much of Clause 10 of said Act as constitutes Administrative Committee a Board of Audit, and Board of Public Works.

CL. IV.
Repeals Clause 15 of said Act.

CL. V.
Short title of Act.

No. 181.

An Act to continue in operation an Act, entitled "An Act to lay further Tonnage Dues on all Vessels arriving in this Government."

[21st June, 1862.]

WHEREAS an Act was passed on the twenty-second day of June, in the year of our Lord one thousand eight hundred and fifty-seven, entitled "An Act to lay further Tonnage Dues on all Vessels arriving in this Government," and by the Fourth Clause of the same it is enacted and declared, that the same shall come into operation on the twenty-third day of June, in the year one thousand eight hundred and fifty-seven, and shall continue in force for the space of three years thereafter; And whereas an Act was passed on the twenty-second day of June, one thousand eight hundred and sixty, to continue in force the said before-mentioned Act for a period of two years; And whereas it is deemed expedient to continue the Act so passed on the twenty-second day of June, one thousand eight hundred and fifty-seven, in force on, from, and after the twenty-third day of June, in this present year one thousand eight hundred and sixty-two: *Be it enacted* by the Governor, Council, and Assembly of the Government of the said Island of St. Vincent and its Dependencies, that the said recited Act, entitled "An Act to lay further Tonnage Dues on all Vessels arriving in this Government," and all and every the Clauses, Powers, Penalties, Provisions, Matters and Things therein contained shall remain, continue and be in full force, virtue and operation on and from and after the said twenty-third day of June, in this present year one thousand eight hundred and sixty-two, until the thirty-first day of December, one thousand eight hundred and sixty-three, and no longer.

Preamble.

This Act shall be cited as "The Additional Tonnage Dues Act, 1862."

CL. I.
Continues Act of 1857, with all its Provisions, Powers, &c., in operation from 23rd June, 1862, to 31st December, 1863.

CL. II.
Title of Act.

No. 182.

An Act to legalize Fort Charlotte, and the Premises known as the Ordnance-Buildings in Kingstown, as Prisons or Places of Confinement for Prisoners charged or convicted of any Offence committed during the late Riots.

[22nd October, 1862.]

WHEREAS the Public Gaol in the town of Kingstown is insufficient for the reception of the Prisoners taken and in custody on charges arising out of the late seditious Riots: *Be it therefore enacted* by the Governor, Council, and Assembly of the Government of the Island of St. Vincent and its Dependencies as follows, that is to say:—

Fort Charlotte in the parish of St. Andrew, and the Buildings in the town of Kingstown known as the Ordnance-Buildings, are hereby respectively

Preamble.

CL. I.
Fort Charlotte and Ordnance Buildings,

No. 182.
22nd October, 1862.

respectively declared to be Prisons, and legalized places of confinement for prisoners. Such Prisons to be subject to Rules, Regulations and Provisions of Act of 1st and 2nd Vict., and those of Common Gaol in Kingstown.

CL. II.
Short title of Act.

declared to be Prisons of the said Government and legalized places of confinement for all prisoners taken or to be taken, and who are or shall be charged with or convicted before any Court of competent jurisdiction of any offence committed against the Laws of the United Kingdom or of the said Island of St. Vincent; and such Prisons respectively are hereby declared to be subject to the Rules, Regulations and Provisions of the Act of the Imperial Parliament of the first and second Victoria, chapter sixty-seven, and to the like Rules and Regulations as are now in force relating to the Common Gaol in Kingstown.

This Act may be cited as "The Additional Prisons Act, 1862."

No. 183.

An Act to appropriate a Sum of Money towards meeting the Expenses attendant on the Suppression of the late Seditious Riots.

[22nd October, 1863.]

Preamble.

WHEREAS considerable expense has already been incurred by the Executive Authority during the period of the existence of Martial Law in providing for the Local Forces employed in suppressing the same and in bringing to the Colony Her Majesty's Forces: *And whereas* payment of a portion of such expense is required to be made without delay, and it is necessary that some provision should be made for meeting the same: *Be it therefore enacted* by the Governor, Council, and Assembly of the Government of the Island of St. Vincent and its Dependencies as follows:—

CL. I.
Appropriates 2,000l. towards meeting Expenses incurred in the Suppression of the late Riots.

The sum of Two Thousand Pounds is hereby specially appropriated towards meeting the said expenses so incurred by or under the authority of the Governor in suppressing the late Seditious Riots; and the Governor is hereby authorized to issue his warrant or warrants, from time to time as occasion shall require, for such sum and sums of money, not exceeding in the whole the said sum of Two Thousand Pounds, as shall be required for payment for the more immediate and pressing demands in respect of the expenses incurred in maintaining and providing for the Local Forces embodied and employed during the existence of Martial Law, for the purposes aforesaid, and in bringing to this Colony and meeting the necessary expenses attendant on the arrival of Her Majesty's Forces whether Naval or Military: *Provided always*, That nothing herein contained shall be construed to authorize the Governor to make any payment or allowance to any person for or by reason of any claim made or to be made for Compensation or Indemnity in respect of any damage done to property during the late riots, or for or in respect of any claim for payment for any carts, carriages, horses, mules, forage, or other matters or things pressed into or temporarily employed for or in the Public Service, it being hereby expressly declared that such claims as last aforesaid shall be submitted for investigation and consideration by the Legislature.

Proviso.
Claims for Compensation or Indemnity in respect of damage to Property or in respect of Payment for any Carts, Carriages, Horses, Mules, forage, &c., pressed into the Public Service to be submitted to the Legislature.

CL. II.
Accounts containing Items with Vouchers, when paid to be laid before Legislature.

CL. III.
Treasurer directed to borrow and transfer from the Immigration Fund a sum not exceeding 2,000l. for Payment of Warrants issued by Governor. Moneys so borrowed and expended to be a charge on the General Revenue, and shall be repaid within Twelve Months from passing of this Act, if not to be a first lien on the General Revenue of the Colony.

CL. IV.
Short title of Act.

Strict Accounts with Vouchers shall be taken and kept and laid before the Legislature, from time to time, of all payments made under the authority of this Act, and such Accounts shall contain, in full, the items and particulars in respect of which any such payments shall have been made.

It shall be lawful for the Treasurer and he is hereby directed, immediately on the passing of this Act, to borrow and transfer from the Fund called the "Immigration Fund" of this Colony, and to expend and pay under Warrant from the Governor for the purposes of this Act, a sum of money not exceeding in the whole the sum of Two Thousand Pounds; and the moneys so borrowed and expended are hereby declared to be a charge on the General Revenue of this Colony, and shall be repaid to the Immigration Fund within twelve months from the passing of this Act, and if not then repaid [it] shall form a first lien on the General Revenue of the Colony.

This Act shall be cited as "The Riots Expenses Act, 1862."

No. 184.

An Act for the Protection of the Persons and Properties of Her Majesty's faithful Subjects within this Colony, and for the Indemnity of all Persons engaged in Suppressing the late Insurrection.

[22nd October, 1862.]

WHEREAS it is to be feared that an evil conspiracy for the destruction of the persons and property of many of Her Majesty's faithful subjects within this Colony, and in open defiance of Her Majesty's authority, hath unfortunately existed in this Government: *And whereas*, prior to the Proclamations hereinafter mentioned, a serious Insurrection had broken out in acts of daring and open violence, and had openly set at defiance the whole Civil Power of this Colony: *And whereas* His Excellency Anthony Musgrave, Esquire, Her Majesty's Lieutenant-Governor of this Colony, did on the thirtieth day of September, one thousand eight hundred and sixty-two, with the advice of his Privy Council, issue Proclamation in Her Majesty's name calling on all persons unlawfully armed and assembled to disperse upon pain of the consequences: *And whereas*, notwithstanding the said Proclamation and for a considerable time after the issuing thereof, the said Insurrection did very considerably extend itself, insomuch that large bodies of armed persons did openly array themselves and make the most daring and violent attacks upon the persons and properties of divers of Her Majesty's loyal subjects, and did commit many and great excesses and cruelties upon such persons and property: *And whereas*, for [the] necessary suppression of the said Insurrection, His Excellency the said Anthony Musgrave did on the thirtieth day of September, one thousand eight hundred and sixty-two, with the advice of his said Privy Council, issue a further Proclamation in Her Majesty's name declaring this Colony to be from the date of the last-mentioned Proclamation under Martial Law for the protection of life and property, and requiring all Officers, Civil and Military, and all corps of Militia and Volunteers to assemble and remain under arms until duly discharged: *And whereas* the several Members of the Legislature could not assemble in Session at and before the time of the last-mentioned Proclamation, by reason that the great majority of them were engaged in military duties which were imperatively necessary for the suppression of the said Insurrection, which Military Service it was found necessary to continue for a long space of time: *And whereas* His Excellency the said Anthony Musgrave did by Message duly communicate to the Legislature his said Proclamations, who did by their Address to His Excellency express their cordial approbation of the same and of the measures taken by him for suppression of the said Insurrection: *And whereas*, by the wise and salutary exercise of Her Majesty's undoubted prerogative in executing Martial Law for the suppression of the said Insurrection, the peace of this Colony hath been so far restored as to permit the Common Law to resume its functions, and His Excellency the said Anthony Musgrave did accordingly by his Proclamation, duly issued and proclaimed on the eighteenth day of October, one thousand eight hundred and sixty-two, declare the operation of Martial Law to be at an end throughout the Colony on and from the twentieth day of the said month of October; but the interposition of the Legislature has become necessary as well to mitigate the consequences of the late calamities, as also to indemnify all persons engaged in necessary measures for the suppression of the said Insurrection, and to make such other necessary provisions in this behalf as are hereinafter contained: *Be it therefore enacted* by His Excellency the said Anthony Musgrave, Lieutenant-Governor of this Colony, and by the Council and Assembly of the same, as follows:—

Preamble.

The said Proclamation so issued on the thirtieth day of September, one thousand eight hundred and sixty-two, declaring the existence of Martial Law within this Colony, is hereby declared to have been lawfully issued and proclaimed and is hereby ratified accordingly.

CL. I.
Proclamation of Martial Law ratified.

All persons who have been in anywise engaged in suppressing or endeavouring to suppress the said Insurrection during the continuance and opera-

CL. II.
All persons suppress-

No. 184.
22nd October, 1862.

ing Insurrection, &c.,
indemnified.

CL. III.
Lieutenant-Governor's
Certificates conclusive
evidence of acts of
suppressing Insurrec-
tion.

CL. IV.
Indemnity for pressing
Forage, &c., for the
Public Service, and
Compensation for
same.

CL. V.
No Habeas Corpus to
issue until closing of
Court of Grand Ses-
sions of the Peace.

CL. VI.
Legal remedies not
prosecuted during
Proclamation of Mar-
tial Law to continue
seven days after this
Act passed.

tion of the said Proclamation declaring this Colony to have been under Martial Law as aforesaid, or in arresting, imprisoning, or confining any person or persons concerned or supposed to be concerned in the said Insurrection shall be freed, discharged and indemnified, as well against the Queen's Majesty, her heirs and successors, as against all and every other person and persons, of, for, or concerning the killing, maiming, wounding, or hurting, arresting, confining or imprisoning any person or persons during the said Insurrection, and the continuance and operation of the said Proclamation.

To obviate any doubt which may arise whether any act alleged to have been done in suppressing or endeavouring to suppress the said Insurrection was so done or otherwise, it shall be lawful for the said Lieutenant-Governor to declare such acts to have been done in suppressing or endeavouring to suppress the said Insurrection, and such Declaration in writing bearing the signature of the said Lieutenant-Governor shall be a sufficient Discharge and Indemnity to all persons concerned in such acts, and shall in all cases be conclusive evidence that such acts were done in suppressing or endeavouring to suppress the said Insurrection.

No Officer holding any Commission under His said Excellency the Lieutenant-Governor, nor any person acting under authority of any such Officer shall be liable to any action or proceeding in any Court of this Colony in respect of having used or pressed into use for the Public Service any horses, mules, carts, stock, forage, provisions or other necessaries for the maintenance of the troops lately employed under the authority of the said Lieutenant-Governor in the suppression of the said Insurrection or for the conveyance of their baggage, guns, or munitions; but it shall be lawful for all persons having pecuniary claims for compensation in respect of the premises to submit the same, with all proper vouchers, to the Administrative Committee, and such claims shall be considered and dealt with as any other claims against the Public of this Colony for the Public Service.

And whereas a large number of persons are now imprisoned under charge of being concerned in the late Insurrection, and the Court of Grand Sessions of the Peace in and for the said Island is by Law required to be held on Tuesday the fourth day of November now next, at which Court the trial of the prisoners and other offenders who have committed offences during the said Insurrection will according to Law take place; and, inasmuch as time has not been afforded to lodge Informations and obtain Commitments for such persons so imprisoned, it is expedient to provide for the safe custody of such offenders so imprisoned and awaiting their trial in the meantime and during the Session of the said Court, and it is highly expedient that the said offenders now imprisoned and awaiting their trial should not be released by the issue of any Writ or Writs of Habeas Corpus during the Session of the said Court, whereby the course of Justice would be retarded and be unequal to deal with the great number of persons imprisoned: *Be it enacted, [That]* if any person now detained in custody under the authority of His Excellency the Lieutenant-Governor shall sue forth a Writ of Habeas Corpus before the final termination of the sittings of the said Court of Grand Sessions of the Peace so about to sit as aforesaid, it shall be a sufficient return to such Writ that the party suing forth the same is detained by virtue of such authority; such authority to be testified by any writing bearing the signature of the said Lieutenant-Governor and vouching for the detainer of such person. And when the Return shall be made, it shall not be necessary to bring up the body of the person who is or may be so detained.

And whereas, owing to the late total suspension of business in this Colony, it is expedient to provide that the engagements of Debtors and others under pecuniary liabilities should not be affected, nor the claims of Creditors prejudiced, by the operation of the said Proclamation so declaring Martial Law as aforesaid: *Be it further enacted, That* during the continuance of the said Proclamation it shall not be or be deemed necessary that any person or persons, Bank, Company, or Corporation, legally having any pecuniary or other claim on or against any other person or persons, Bank, Company, or Corporation, should have made such claim or should have given

any notice necessary to enforce or sustain the same, or should have presented for acceptance or payment, or notified or protested the non-acceptance or non-payment, of any Bill or Bills of Exchange, or any Promissory note or notes. But in all cases where any lapse of right or remedy may have or may be construed to have accrued by reason of or during the continuance of Martial Law as aforesaid, such rights and remedies shall nevertheless in all cases be and be deemed to be continuing and subsisting, and it shall be sufficient if all claims, presentations, notices, demands and protests in respect thereof be made and given within seven days after the publication of this Act.

Nothing in this Act contained shall be construed to take away or abridge Her Majesty's Prerogative, for the public safety, to resort to the exercise of Martial Law against open enemies or traitors, or any powers by Law vested in Her Majesty's Governors or Lieutenant-Governors of her Colonies, or any other person or persons whomsoever, to suppress treason and rebellion, or to do any act warranted by Law and necessary for that purpose.

Every person against whom any action, suit, indictment, or other proceeding may be brought in any Court of this Colony Civil or Criminal touching any matter in respect whereof a defence or indemnity is provided by this Act, shall be entitled to plead the General Issue and to give the special matter of such defence under this Act in evidence in answer to such action, suit, indictment or other proceeding as aforesaid, and which special matter shall be a complete bar thereto.

This Act may be cited as "The Riots Indemnity Act, 1862."

No. 184.
22nd October, 1862.

CL. VII.
Saving of Her Majesty's Rights and Prerogative.

CL. VIII.
Defendants, on being sued (being indemnified by this Act), may plead General Issue.

CL. IX.
Short title of Act.

No. 185.

An Act to authorize the Raising a Loan from the Immigration Fund for the purpose of meeting the more immediate and pressing necessities of this Colony.
[14th November, 1862.]

WHEREAS from various causes the Revenue has fallen short, and there are several Public debts and engagements and salaries overdue which it is necessary to meet: *Be it therefore enacted* by the Governor, Council, and Assembly of the Government of the Island of St. Vincent and its Dependencies as follows :—

The Treasurer is hereby authorized and required, immediately after the passing of this Act, to borrow and transfer from the Immigration Fund, and to pass to the credit of his general account with the Colony, the sum of Two Thousand Four Hundred Pounds.

The said sum of Two Thousand Four Hundred Pounds shall be paid and applied, under warrants of the Governor, in meeting such sums of money, whether payable under Act of the Legislature or Vote or Resolution already passed, as the ordinary revenue for the present year shall be insufficient to meet.

The said sum of Two Thousand Four Hundred Pounds shall be repaid to the Immigration Fund, with interest at the rate of six pounds *per centum per annum* from the day of the transfer of the same to the General Revenue account; and the moneys so borrowed are hereby declared to be a charge on the General Revenue of this Colony, and shall be repaid to the Immigration Fund within Two years from the passing of this Act, and if not then repaid shall form a first lien on the General Revenue of the Colony after the sum of Two Thousand Pounds borrowed under "The Riots Ex-penses Act, 1862," shall have been repaid.

This Act shall be cited as "The Additional Loan Act, 1862."

Preamble.

CL. I.
Treasurer to borrow and transfer from Immigration Fund, 2,400l.

CL. II.
Appropriation of said 2,400l.

CL. III.
2,400l. to be repaid to the Immigration Fund.

CL. IV.
Title of Act.

No. 186.

An Act to continue in force for a limited time an Act, intituled "An Act to grant Salaries to Police Magistrates, and the Expenditure necessary for the Performance of their Duties;" and an Act, intituled "An Act to Amend the Magistrates' Salary Act, 1853,"

[19th December, 1862.]

Preamble.

WHEREAS the Acts of this Government, intituled respectively "An Act to grant Salaries to Police Magistrates, and the expenditure necessary for the performance of their duties," and "An Act to Amend the Magistrates' Salary Act, 1853," will expire on the first day of January now next. and it is deemed expedient to continue the same in force for a limited period.

CL. I.
Continues in force Police Magistrates' Salary Act, 1853, and Act amending same of 1853.

For five years from 1st January, 1863.

CL. II.
Short title of Act.

Be it therefore enacted by the Governor, Council, and Assembly of the Government of the Island of St. Vincent and its Dependencies, that the said recited Acts, intituled respectively "An Act to grant Salaries to Police Magistrates, and the expenditure necessary for the performance of their duties," and "An Act to Amend the Magistrates' Salary Act, 1853," shall remain, continue, and be in force for the space of Five years from the said first day of January, one thousand eight hundred and sixty-three.

This Act shall be cited as "The Continuing Police Magistrates' Salary Act, 1862."

No. 187.

An Act to continue in force a certain Act, intituled "An Act for laying a Duty on Exports."

[19th December, 1862.]

Preamble.

WHEREAS the Act of this Colony passed in the year one thousand eight hundred and fifty-nine, intituled "An Act for laying a Duty on Exports," will expire on the thirty-first day of December in the present year, unless continued; and it is deemed expedient to continue the same in force for a limited period: *Be it therefore enacted* by the Governor, Council, and Assembly of the Government of the Island of St. Vincent and its Dependencies:—

CL. I.
Continues in force for the space of two years an Act, intituled "An Act for laying a Duty on Exports."

That the said Act, intituled "An Act for laying a Duty on Exports," shall remain continued, and be in force on and from the said thirty-first day of December in this present year one thousand eight hundred and sixty-two, and for the space of two years from the said thirty-first day of December, one thousand eight hundred and sixty-two.

No. 188.

An Act to alter and amend "The Import Act, 1860."

[19th December, 1862.]

Preamble.

WHEREAS the provisions of "The Import Act 1860" of the Government of St. Vincent are found to be insufficient for the purposes of enforcing the Law for the protection of the Revenue, and it is found necessary that further provision should be made for protecting the Revenue, and further powers granted to the Colonial Officers appointed to carry into effect the provisions of the said Act and this present Act: *Be it enacted* by the Governor, Council, and Assembly of the Government of the said Island of St. Vincent and its Dependencies, as follows:—

CL. I.
Fourth Clause of Act, 1860, repealed. Master of Vessel before breaking bulk, to make to the Treasurer Duplicate Entry and Report

That the Fourth Clause of "The said Import Act, 1860," shall be and the same is hereby repealed; and in lieu thereof, *Be it enacted*, That the Master of every Ship or Vessel arriving in this Government, whether laden or in ballast, shall come directly and before bulk be broken to the Office of the Treasurer, and there make to the Treasurer a true and accurate entry, and report in writing, and in duplicate, stating the name of such Ship, her

Country and Tonnage, and if British her Port of Registry, the name and country of the Master, the country of the owners, the number of the crew and passengers (if any), whether she be laden or in ballast, and if laden the particulars of her cargo, specifying the marks and numbers of every package and parcel of goods, where laden and to whom consigned, and the particulars of the place where any goods (if any) have been unladen during the voyage, as far as all such particulars can be known to him, and the said Master shall further answer upon oath all such questions concerning the said ship or vessel, the cargo, the crew, the passengers and the voyage as shall be demanded of him by the Treasurer; and if any goods be unladen from any ship or vessel before such entry and duplicate entry and report be made to the Treasurer, and warrant or permit by him granted for unloading or landing the said goods, or if the Master fail to make such entry and report as aforesaid or make an untrue entry or report, or do not truly answer the questions demanded of him, or if any goods on board such ship or vessel be not reported or entered or shall be landed or unladen from the said ship or vessel contrary to the provisions of this Act, such goods shall be forfeited, and the Master of such ship or vessel shall forfeit a sum not exceeding the sum of Fifty Pounds for each and every such offence; and any person other than the said Master who shall unlade or land from any ship or vessel any goods whatsoever contrary to the provisions of this Act, or shall assist in unloading or landing the same, shall be liable to and forfeit and pay a sum not exceeding the sum of Fifty Pounds for every offence: *Provided always*, That if, after entry made of the cargo or goods on board any vessel, it shall appear that any goods have been omitted to be entered and it shall also appear that there was no fraudulent intention, the Master shall be allowed to amend his report, and the entry and report made by the Master of a ship or vessel under the provisions of this Act shall be deemed to be the entry, report, and return mentioned in the said recited "Import Act, 1860:" *Provided also*, That when a ship or vessel shall arrive at the Port of Kingstown between the hours of three o'clock in the afternoon and ten o'clock in the morning, or on a Holiday when the Treasurer's Office is closed, and it shall be material for the Master to break bulk before, so as to be prepared to land or tranship goods on board without loss of time and immediately on entry made, it shall be lawful for the Master of such ship or vessel to apply either to the Treasurer or his Deputy, or to a Landing-Waiter, at any such times as aforesaid except on a Sunday, stating the circumstances of his case in writing, and such Treasurer, Deputy, or Landing-Waiter, if he see good cause for so doing, may give permission in writing, to be indorsed on the written statement made to him by the Master, to break bulk for the purpose aforesaid; but no such permission shall be construed to extend to authorize the landing or transshipment of any goods before entry made and permit granted, and the permission so granted to break bulk shall be lodged by such Master at the Treasury at the time of entry and report made by him.

And whereas it is found advisable for the protection of the honest and fair trader that the value and true quantity of imported goods liable to duty should be further and with more certainty arrived at than by the provisions made by Clause 7, 8, 9, and 10 of the said recited Act; *Be it enacted*, That the Importer of goods, on entry of the same at the Treasury for payment of duty shall, in addition to the requirements of the said 7, 8, 9, and 10th Clauses of the said recited Act, produce and show to the Treasurer or to such Officer of the Colonial Customs as shall by him be appointed to inspect Invoices the original Invoice of the goods included in such entry, or the original account or accounts, bill or bills of parcels, or other document or documents showing the cost price of such goods and the quantity thereof: *Provided always*, That all and every the provisions of the said 10th Clause of the said recited Act and the powers therein given to the Treasurer shall and are hereby declared to be and remain in full force for the protection of the Revenue notwithstanding the production of the Invoice; and the Treasurer shall in all cases administer the Oath prescribed by the said 10th Clause of the said recited Act to every Importer of Goods or his lawful agent at the time of entry made.

No. 188.
19th December, 1862.
of vessel and particulars of cargo.

Master may be allowed to amend his Report.

Vessel arriving between three p.m. and ten a.m., permission may be granted to Master to break bulk, but not to land cargo.

CL. II.
Importer of goods, on entry, to produce invoice, account, or bill of parcels of same.

No. 188.
19th December, 1862.

CL. III.
When Original cannot be produced, a copy of the Invoice, &c., may be admitted on oath.

If no copy, value of goods may be sworn to. When goods exceed 50*l.* in value, original Invoice to be produced in three months.

If value exceeds value sworn to, further duty to be charged accordingly.

Power given to Treasurer to dispense with Invoices, &c.

CL. IV.
Importer knowingly producing false Invoice, goods to be forfeited.

Consignor, if privy thereto, precluded from recovering value of goods.

CL. V.
Appraisers to value goods to be appointed by Importer and Treasurer.

And whenever, from any circumstances, it shall not be in the power of the Importer to produce an original Invoice, Account, or Bill of Parcels, the duplicate or a copy of the original Invoice, Account, or Bill of Parcels shall, if the Treasurer shall be satisfied of the *bona fides* of the person producing the same, and shall be satisfied by the oath of the Importer or his lawful Agent that such original invoice, account, or bill of parcels is not in his possession and cannot be produced and that the duplicate is a true duplicate, or, in the case of a copy, that the copy produced is to the best of his belief a true copy, be deemed sufficient to authorize entry of the goods, and when there shall be no Invoice, account or bill of parcels, so that neither the original nor the duplicate nor a copy can be produced which shall be sworn to by the Importer or his lawful Agent, then the particulars and value of the goods sought to be entered shall be sworn to by the Importer or his Agent duly authorized before entry thereof: *Provided also*, That in every such case as last aforesaid, where the value of the goods entered shall exceed Fifty Pounds, the Importer shall within three months after entry so made as last aforesaid produce and show to the Treasurer the original Invoice, account or bills of parcels of such goods showing the cost price and quantity thereof, under a penalty not exceeding the sum of Fifty Pounds; and if the value or quantity thus shown shall exceed the value or quantity sworn to on entry made, as last aforesaid, such goods shall be chargeable with the Duty on such additional value or quantity, and the Importer shall be chargeable with and liable and compellable to pay on demand made by the Treasurer, such further Duty as the goods so imported and admitted to entry shall be thus shown to have been liable to, and if he shall neglect or refuse to pay the same, on demand, he shall be liable to a penalty not exceeding the sum of Fifteen Pounds for every Twenty-four hours that the same shall remain unpaid after such demand made: *Provided always*, That where it shall be made to appear to the satisfaction of the Treasurer, at the expiration of such three months as aforesaid, that no Invoice, account or bill of parcels can be had, it shall be lawful for him to dispense with production of the same, and the Treasurer may in such case make such inquiries of the Importer, consignee, or his agents, to be answered on oath or otherwise as the Treasurer may see fit. And the Importer neglecting or refusing to answer such inquiries as aforesaid shall be liable to the said penalty of Fifty Pounds.

That if the Importer of any goods either by himself or his agent shall, on making or purporting to make entry thereof, produce to the Treasurer or his Deputy any false or untrue or fictitious Invoice, account, or bill of parcels, or any false, untrue, or fictitious duplicate or copy of any Invoice, account, or bill of parcels of or relating to any such goods, with intent in so doing to defraud the Revenue or to conceal or lessen the true value or quantity of any goods so imported, and thereby to evade the payment of any Duty, every person so producing any such false, untrue or fictitious Invoice, account, or bill of parcels or duplicate or copy thereof, knowing the same to be false, shall on conviction of any such offence be liable to pay a penalty not exceeding the sum of One Hundred Pounds, and all and every the goods so reported and mentioned, or included in any such false, untrue, or fictitious Invoice, account, or bill of parcels or duplicate or copy, shall be absolutely forfeited, and the seller, shipper, or consignor of all such goods, or other person who shall have supplied the same, if he shall have made or shall have been party or privy to the making of any such false, untrue or fictitious Invoice, account or bill of parcels or duplicate or copy, shall forfeit all right at Law to enforce or recover within this Government payment of the value or amount of any such goods as shall have been reported and mentioned or included in any such false, untrue or fictitious Invoice, account or bill of parcels, duplicate or copy as aforesaid.

And whereas the said Tenth Clause of "The said recited Import Act, 1860," requires amendment: *Be it enacted*, That in all cases in which the Treasurer shall determine to exercise the power of the Tenth Clause to him given to examine goods, as therein mentioned, to ascertain the true value thereof by Appraisers, it shall be lawful for the Treasurer to grant a permit to land the

same, and the same shall be thereupon taken to the Treasurer's Office, Landing-Waiter's Office, or Colonial Warehouse, or other place to be named by the Treasurer, and as shall be most convenient, and there examined according to the provisions of the said Tenth Clause and of this Act: *Provided always*, That if on such examination and appraisement the same shall not be valued above the value first given in by the Importer, the said goods shall be repacked at the cost of the Public if so required by the Importer.

And whereas by the said Tenth Clause of the said recited Act it is provided that the Appraisers therein mentioned or referred to shall be appointed by the Officer administering the Government: *Be it enacted*, That so much of the said Clause as provides that the Officer administering the Government shall appoint the Appraisers therein mentioned, and so much of the same Clause as provides that the appraisement therein described shall be made on oath, shall be and the same is and are hereby repealed; and in lieu thereof, *Be it enacted*, That the Appraisers in the said Clause mentioned and referred to, and thereby directed to be appointed, from and after the passing of this Act shall be nominated and appointed in writing, one by the Importer and one by the Treasurer, and, failing appointment by the Importer within twenty-four hours after the goods shall be landed then both such Appraisers shall be appointed by the Treasurer; and such Appraisers so appointed shall proceed in like manner and shall have all and every the same powers and authorities, and the appraisement made by them shall be dealt with in like manner, as if they had been appointed by the Officer administering the Government, under the authority of the said Tenth Clause of the said recited Act, except that the appraisement so to be made shall be according to the best of the Judgment, skill, and knowledge of the Appraisers, but not on oath, and if such Appraisers differ, the Treasurer shall appoint a third Appraiser as Umpire, within twenty-four hours of the first appraisement had, whose decision and appraisement shall be final.

That, where Duty is chargeable either by weight or measure or gauge, if any dispute or doubt shall arise as to such weight, measure, or gauge, it shall be lawful for the Treasurer, or any Officer of the Colonial Customs to cause all or any such goods, except lumber, to be carried or taken to the office of the said Treasurer, or to the office of the Landing-Waiters, or to the Treasury Warehouse, or other convenient place to the satisfaction of the Treasurer, and there weighed, measured or gauged, and on the weight, measure or gauge there fixed and ascertained the Duty shall be charged and payable; and such goods shall and may be detained by the Treasurer till payment thereof, and failing payment within the time fixed by Law, the same shall be disposed of as by Law directed; and for the purpose of weighing, measuring and gauging all articles liable to Duty the Treasurer shall provide at the Public cost all such scales, weights, and instruments as shall be necessary for that purpose, and that all weights and measures of goods imported shall be estimated and returned according to Imperial Measure and the Standard Weights and Measures by Law established in Great Britain.

That when the Importer of any goods shall declare the contents of any package to be unknown to him, the same shall and may, for the purpose of ascertaining such contents be opened by the Treasurer or by any Landing-Officer or other Officer acting under the orders of the Treasurer, in the presence of the Importer or his agent, who shall be at the expense of opening and repacking such package.

That when any goods imported into the said Colony which shall be subject to the payment of Duty shall be concealed in the same package with other goods subject to a lower rate of Duty, or not subject to Duty, with intent to defraud the Revenue, all such first-mentioned goods and all goods contained in the same package shall be seized and forfeited, and proof that such goods were not concealed with the intent aforesaid shall be upon the owner or importer.

That in all cases of suspicion of fraud it shall be lawful for the Treasurer, or any Landing-Officer by his order, to open or cause to be opened any package of goods in respect of which such suspicion shall arise in the

No. 188.
19th December, 1862.

CL. VI.
As to Appointment of
Appraisers where
goods to be valued.

CL. VII.
On dispute as to weight
or measure of goods,
same may be removed
for ascertainment
thereof.

And detained till Duty
paid.

CL. VIII.
Contents of package
unknown, same to be
opened in presence of
Importer.

CL. IX.
Goods concealed with
intent to defraud for-
feited.

CL. X.
Opening of suspected
goods.

No. 188.
19th December, 1862.

presence of two or more witnesses, and if on examination the contents thereof shall be found not to agree with the particulars as contained in the entry and permit made or granted in respect thereof, the same shall be forfeited, and if the same shall agree therewith it shall be repacked at the Public cost.

CL. XI.
Special Permit may be granted for landing goods out of Office hours.

That the Treasurer or his Deputy may grant a Special Permit for the landing or transhipment of goods out of Office hours, and may permit and sanction, or consent to any arrangement between the Importer of goods and the out-door Officers of the Treasury Department for reasonable compensation for giving accommodation in the landing or transhipment of goods, after due entry and permit granted, at all reasonable times before or after Office-hours in the Landing-Waiters' department, and after six o'clock in the morning and not later than six o'clock in the evening in the presence of an Officer, and subject to such rules and regulations as the Treasurer, with the sanction of the Governor, may from time to time make and promulgate in that behalf, and if any goods shall be landed or transhipped at any such time or times under any such Special Permit or sanction contrary to such rules and regulations the same shall be deemed to be landed or transhipped, as the case may be, contrary to the Law, and shall be forfeited.

CL. XII.
Unshipping goods to be at risk of Importer.

That the unshipping, landing, and carrying of all goods for examination, or weighing, and the opening and closing of the same, shall, except in the cases herein otherwise provided for, be at the expense and risk of the Importer.

CL. XIII.
As to landing Baggage of Passengers.

And whereas no provision is made in the said "Import Act, 1860," with respect to the Baggage of Passengers, and there is reason to believe that in some instances goods liable to duty are imported with such baggage, more especially from the other West Indian Colonies; for remedy thereof, *Be it enacted*, That the Treasurer and his Deputy, and any Landing-Officer of the Customs duly appointed, shall have and is hereby invested with authority to search and examine all such baggage, and all trunks, boxes, packages and parcels landed as such; and every such person, by himself or his Agent, shall be called on to state verbally whether any articles liable to Duty are included in such Baggage, and if after declaration to the contrary any goods or articles liable to Duty and not entered shall be found therein the person to whom such Baggage shall belong shall be liable and subject to a penalty not exceeding Five Pounds, and all goods liable to Duty shall be separated from the said Baggage and shall be detained till the same shall be duly entered and the Duty thereon and the said Fine be paid.

CL. XIV.
Officers of Customs to have free access to goods on board.

It shall be lawful for the Treasurer or his Deputy, or any Landing-Officer, freely to go on board and have free access to every part of any vessel coming to or lying at anchor at or in, or departing from, this Colony, and there to remain until all the goods laden therein shall have been duly delivered from the same in the case of goods entered and permit granted for unloading or landing, and in the case of goods remaining on board for exportation until the same shall be exported and depart with the vessel from this Colony, and to rummage and search all parts of such vessel for prohibited, unentered, or unreported goods, with power to lock up, mark, or seal any goods on board, and if any place, locker, or box, or chest belonging to such vessel be locked up and the keys withheld, any such Officer may, after demand for the keys thereof and neglect or refusal to deliver the same, open the same in the best manner in his power, and if any goods be found concealed in any such vessel they shall be forfeited, and if any place, locker, box, or chest belonging to such vessel or goods shall be locked up, marked, or sealed as aforesaid, and the same shall be wilfully altered or broken before due delivery of such goods, or if any goods shall be secretly conveyed away, the Master of such ship or vessel shall forfeit and pay a sum not exceeding One Hundred Pounds and not less than Ten Pounds.

CL. XV.
Boats, &c., unlawfully used for conveyance of goods forfeited.

That all boats, canoes, carts, and carriages unlawfully made use of in the removal, unloading, landing, carriage, or conveyance of any goods liable to forfeiture under this Act, or any other Act relating to the Revenue of the said Colony, shall be forfeited.

CL. XVI.
Vessels, goods for-

All vessels, boats, goods, and other things which shall be seized and

forfeited under this Act, or any other Act authorizing the seizure of goods for nonpayment of any Duties, or breach of the Revenue Laws, shall be deemed and taken to be, and considered as condemned, and dealt with in manner herein and by the said recited "Import Act, 1860," provided for in the case of condemned articles, unless the person from whom the same shall have been seized, or the owner thereof or some person authorized by him, shall within one calendar month after seizure thereof give notice in writing to the Treasurer of the said Island, or the Comptroller or other Chief Officer of Customs, that he intends to claim the same.

That it shall be lawful for the Treasurer or his Deputy, or any Landing-Officer or other Officer employed in the collecting of the Public Revenue of the Colony, or any person acting in the aid of such Officer, or duly employed for the prevention of Smuggling, or for the Inspector of Police or any Police Constable, upon reasonable suspicion, to stop and examine any boat, cart, or other vehicle for the purpose of ascertaining whether any Smuggled Goods are contained therein, and any person in charge of or rowing or driving such boat or cart or other vehicle refusing to stop when required to do so as aforesaid in the Queen's name, shall be deemed guilty of a Petty Misdemeanour within the meaning of the "Summary Offence Act, 1853," and if the person stopping such boat, cart or vehicle had probable cause for search, he shall not be liable to any action or prosecution on account of such stoppage and search.

If any goods shall be seized for nonpayment of Duty, or for any other lawful cause, and any dispute shall arise whether the Duties have been paid for the same, or whether the same have been lawfully imported or lawfully water-borne, unladen, or landed or exported, the proof thereof shall be on the owner or claimer of such goods, and not on the Officer or person who shall seize or stop the same.

No Claim to anything seized under this Act or any other Act laying duties on goods and authorizing the seizure of goods or other things shall be admitted or considered valid or of any effect, or as notice of a claim, unless the same shall be entered by and in the name of the owner, or if the owner shall not in person make the same, then by his attorney or agent either in the name of such owner or in the name of such attorney or agent for such owner, together with the residence and occupation of the owner, and in case of the same being put in by attorney or agent then, in addition, both the residence and occupation of such attorney or agent, nor unless oath to the property in such thing shall be made and subscribed by such owner, or his attorney or agent by whom such claim shall be entered, to the best of his knowledge and belief, nor unless sufficient security shall be given to the satisfaction of the Treasurer, or the Chief Justice or other Judge of the Supreme Court of Judicature, or the Police Magistrate, as the case may be, in a penalty not exceeding Sixty Pounds, to answer and pay the costs occasioned by such claim if the same shall not be established, or if the things in respect of which such claim shall be made shall be condemned, and in default of such claim being made and such oath taken, and such security given, such things shall be adjudged to be forfeited and shall be condemned.

If any vessel or goods or other things shall be seized under this Act, or "The said Import Act, 1860," it shall be lawful for the Treasurer or his Deputy, or the Chief Officer of Customs, or for the Chief Justice or any other Justice of the Supreme Court of Judicature, with the consent of the Treasurer or Chief Officer of Customs, to order the delivery thereof to the person claiming the same, on security being given to the satisfaction of such Treasurer, or Chief Officer of Customs, or Judge, to answer double the value of the same in case of condemnation, and such security shall be by Bond to the Treasurer for the time being and his Successors in office, with two sufficient sureties, and such value shall be settled and fixed by appraisement made by two persons for that purpose to be named by the Treasurer or Chief Officer of Customs; and in case the vessel, goods or other things shall be condemned the full value thereof according to such appraisement shall be paid to the Treasurer of the said Island, and thereupon such Bond shall be cancelled, and in case of nonpayment such Bond shall be enforced by Action

No. 188.
19th December, 1862.
feited, to be dealt with
under the Act of 1860.

CL. XVII.
Seizure of suspected
boats, &c.

CL. XVIII.
Proof to be on Owner
of goods seized, not on
Officer seizing.

CL. XIX.
As to Claim to things
seized.

CL. XX.
Bond to answer.

No. 188.
19th December, 1862.

CL. XXI.
Machinery, &c., may
be landed at Out-bays.

of Debt in the Supreme Court of Judicature in the name of the Treasurer of the said Island for the time being.

And whereas it may be expedient, and in some cases, especially in the case of heavy goods and Machinery, necessary to authorize the landing of goods at the Out-bays in this Colony; *Be it therefore enacted*, That on special application made to the Treasurer in writing in that behalf setting forth the particulars of the goods sought to be landed at any Out-bay in this Colony, or other place therein except Kingstown or Calliaqua, and the reasons for the same, it shall be lawful for the Treasurer to grant a special permit to land any goods, wares, or merchandise or live-stock at any place in this Colony, other than Kingstown or Calliaqua, from the ship or vessel in which the same shall have been imported: *Provided always*, That an Officer of the Colonial Customs, or some person specially appointed and authorized by the Treasurer for that purpose, shall accompany such ship and vessel and superintend the landing of the same, and provided also that the person on whose application such permit shall be granted shall pay to the Treasurer all the cost, charges and expenses attendant on the sending of such Custom-House Officer or other person, including his pay for such time as he shall be there employed.

CL. XXII.
Authorizes the Ap-
pointment of one or
more out-door Customs
Officer, as occasion
may require.

And whereas the present staff of Customs Officers is found insufficient for the duties required to be performed and for the protection of the Revenue; *Be it enacted*, That it shall and may be lawful for the Treasurer, from time to time and as occasion and the amount of Public work shall require, to engage and appoint, and either by the day, week, or month as occasion shall require, one or more person or persons as out-door Customs Officers to superintend the landing of goods, or to be placed on board ships or vessels discharging cargo, where found necessary, and for the performance of other out-door duties appertaining to the Customs department; and every such person shall be appointed by writing, and his appointment cancelled in writing, by the Treasurer, and every person so appointed shall, during all such time as he shall be acting as aforesaid under the authority of the Treasurer, be deemed and taken to be and shall be invested with all and every the powers and authority of a Landing-Waiter within the meaning of the said recited "Import Act, 1860," and this Act; and shall and may in all things act as a Landing-Waiter in enforcing the provisions of the said recited Act and this present Act, and shall be within the protection of the said Act and this Act: *Provided always*, That no person shall be so appointed for any longer period than one week without the consent in writing of the Governor in Council; *And provided also*, That every person so appointed shall receive and be paid out of the Public Revenue by warrant of the Governor at and after the rates following, that is to say:—

When engaged by the day, Five Shillings per day.

When engaged by the week, Twenty-four Shillings per week.

When engaged by the month, Five Pounds per month.

And every Landing-Waiter, and every person to be employed as such or as an Out-door Officer of Customs as aforesaid, shall keep a Diary or Book showing his daily employment and the duties by him performed, and a list of all goods which have been landed or transhipped, water-borne, or shipped, under his inspection; and also a list of all goods or things seized by him, with the date and cause of seizure, and such Books shall be public property, and shall be provided by the Treasurer at the public expense.

CL. XXIII.
In seizures and prose-
cutions, Governor and
Council may exercise
authority of Commis-
sioners of Customs in
England, in the remis-
sion of penalties, &c.

And whereas seizures of goods may be made, or prosecutions for penalties commenced by persons authorized in that behalf under circumstances in which it may afterwards be made to appear that no fraud was intended, and it is expedient in such cases to authorize the Governor, with the consent of the Council, to exercise such and the same authority therein as is exercised in like cases by the Commissioners of Customs in England: *Be it enacted*, That in all cases in which the Commissioners of Customs in England have power or authority to authorize the delivery up of goods seized, or the discontinuance of proceedings had for the condemnation of goods, or enforcement of penalties under the Imperial Statutes, it shall be lawful for the

Governor, with the consent of the Council in all cases in which the Colonial Revenue or Local Law is concerned, but not further or otherwise, to authorize or direct as the case may be, the delivery up of all goods seized under the provisions of the Island Laws, or to direct or authorize, as the case may be, the discontinuance of proceedings had either in the Court of Admiralty, the Supreme Court of Judicature, or before a Justice of the Peace, for the condemnation of goods, or enforcement of penalties under the Local Laws, in like manner as the Commissioners of Customs have power or authority in England, in respect of the like proceedings, under the Imperial Statutes, and upon such terms as to the Governor, with the consent of Council, shall seem just.

And whereas it is deemed necessary to amend the Forty-first Clause of the said "Import Act, 1860," *Be it enacted*, That in all proceedings to be had before the Police Magistrate, or two Justices of the Peace, for the condemnation of goods seized under the provisions of the said recited Act or this Act, the same shall be made by claim of the party prosecuting, in the same form or as near as circumstances will allow to similar proceedings in the Court of Vice-Admiralty, and where any person shall claim the goods seized a Summons shall be served on such person to appear and support such claim at the day appointed by the Police Magistrate or Justice for the hearing, which shall be served at least six days before the day of hearing, and at the hearing the onus of proof that the goods seized were lawfully entered, unladen, water-borne, landed or transhipped, as the case may be, shall, notwithstanding anything to the contrary in the Forty-first Clause of the said "Import Act, 1860," contained, be on the person claiming the property in such goods, and not on the prosecutor.

That all and every the several clauses, powers, provisions, enactments, penalties, and restrictions in the said recited "Import Act, 1860," so far as the same can be made applicable and are not varied by this Act, shall be taken to extend to this Act and to every matter and thing to be done in pursuance of this Act, and as if all such clauses, powers, provisions, and enactments were herein repeated and made applicable to every matter and thing to be done in pursuance of this Act. And all and every the several clauses, powers, provisions, enactments, penalties and restrictions in this Act contained, so far as the same can be made applicable, shall be taken to extend to the said recited Act and to everything to be done in pursuance of the said recited Act, and as if all such clauses, powers, provisions, and enactments were therein repeated and made applicable to every matter and thing to be done in pursuance of the said recited Act.

That if upon any trial or proceeding a question shall arise whether any person is or was Treasurer, Deputy-Treasurer, Landing-Waiter or Officer of the Colonial Customs, or of the Inspector of Police or a Police Officer on duty, or an Officer employed for protection against smuggling, evidence of his having acted as such shall be deemed sufficient without further proof, unless sufficient proof shall be given to the contrary, and any such Officer or person shall be a competent witness upon any trial, suit, or information on account or in respect of any seizure, forfeiture, or penalty, notwithstanding he may be entitled to the whole or a part of such seizure, forfeiture, or penalty, or to a reward upon the conviction of the party charged in any such suit or information.

That on any Action, Indictment, or other suit or proceeding had or entered against any person on account of the seizure of any goods, ship, vessel, boat or other thing under this Act or the said recited "Import Act, 1860," wherein a verdict shall be given against the Defendant, if the Court or Judge before whom the same shall have been tried or heard shall certify that there was probable cause for seizure, then the Plaintiff shall not be entitled to recover beyond the things seized or the value thereof, and no further sum of money as damages, and shall not be entitled to any costs of suit nor shall the Defendant be fined in any sum above One Shilling.

That all Suits, Indictments or Informations for any offence against this Act or the said recited "Import Act, 1860," or any other Act relating to the Colonial Customs, to be brought, commenced or prosecuted, shall be

No. 188.
19th December, 1862.

CL. XXIV.
Proceedings before
the Police Magistrate
on condemnation.

CL. XXV.
Powers, provisions,
and penalties under the
Act of 1860 extended
to the matters con-
tained in this Act.

CL. XXVI.
Fact of party acting as
an Officer under this
Act to be proof of his
right so to act.

CL. XXVII.
Party to recover only
value of things seized,
if Judge certifies there
was probable cause for
seizure.

CL. XXVIII.
Actions to be brought
within six months, and
complaints before Ma-
gistrate in six months.

No. 188.
19th December, 1862.

CL. XXIX.
Thirty-sixth Clause of Act of 1860 repealed. Police Magistrate of Kingstown to determine all cases of fines, forfeitures, &c.

CL. XXX.
Forty-eighth Clause of Act of 1860 repealed. Fixes division of penalties.

CL. XXXI.
Terms "goods" and "machinery" defined.

CL. XXXII.
One permanent Landing-waiter only to be appointed.

CL. XXXIII.
Title of Act.

commenced, brought or exhibited within six calendar months next after the date of the offence committed.

That the Thirty-sixth Clause of the said recited Act shall be and the same is hereby repealed; and, in lieu of the provision thereby made, *It is hereby enacted*, That all fines, penalties, and forfeitures imposed or incurred by or under the said recited "Import Act, 1860," or this Act, or any other Act imposing Duties on the importation into this Colony of any goods, and not herein or hereby otherwise provided how to be recovered or enforced, shall and may be sued for, prosecuted, and recovered before the Police Magistrate of Kingstown or any two Justices of the Peace, and the mode of procedure shall be as near as circumstances will allow according to "The Summary Procedure Act, 1853."

That the Forty-eighth Clause of the said recited "Import Act, 1860," shall be and the same is hereby repealed; and in lieu thereof *Be it enacted*, That all forfeitures and penalties imposed and recovered under this Act, or the said hereinbefore recited Act, or any other Act relating to the Colonial Customs, shall be to Her Majesty, her heirs and successors, and shall be paid into the hands of the Treasurer of the said Government of St. Vincent, and shall be divided, paid and applied, after deducting the charges of prosecution, as follows:—one moiety shall be retained by the Treasurer for Her Majesty, her heirs and successors, for the purposes of the General Revenue of the said Government, and the other moiety to the person who shall seize and sue for the same; or where one person shall seize and another shall prosecute for the same, then in equal shares between them, and it shall be lawful for the Court where any condemnation of goods or enforcement of penalties shall be had, where more than one person is interested or concerned in the moiety to be awarded to the person suing for the same, to apportion such moiety as to such Court shall seem best suited to answer the ends of Justice; and where a third person or parties, not party to such proceeding, shall on such proceedings be shown to have aided and assisted in any seizure or conviction, to award from and out of such moiety last mentioned a reasonable share to such third person or other persons in that behalf.

That so much of the Thirty-ninth Clause of the said recited "Import Act, 1860," as defines the meaning of the word "goods" shall be and the same is hereby repealed; and in lieu thereof, *Be it enacted*, That the word "goods" in the said recited Act and this Act mentioned shall be taken to mean and include all goods, wares, merchandise, chattels, and articles liable under the provisions of the said recited "Import Act, 1860," or this present Act, to be reported at the Custom House or Treasury; and the word "Machinery" in the second Clause of the said recited Act mentioned, and included in the list of articles exempted from Duty shall be held and taken to include stills and apparatus thereto belonging, and steam-boilers, and machinery in which steam is the heating power, imported to be erected on any plantation, estate, or other place in this Colony.

That so much of "The Import Act, 1860," as provides for the permanent appointment of more than one Landing-Waiter shall be and the same is hereby repealed.

That in citing this Act it shall be sufficient to use the words "The Amended Import Duties Act, 1862."

No. 189.

An Act to alter and amend "The Riots Indemnity Act, 1862."

[22nd January, 1863.]

Preamble.

WHEREAS it is deemed advisable to repeal the first, second, and third Clauses of the "Riots Indemnity Act, 1862," of the Government of St. Vincent, and to substitute other provisions in lieu thereof; *Be it therefore enacted* by the Governor, Council, and Assembly of the Government of the Island of St. Vincent and its Dependencies, as follows, that is to say:—

The First, Second, and Third Clauses of the said "Riots Indemnity Act, 1862," and each and every of them are and is hereby repealed.

The Lieutenant-Governor, and all persons acting under his orders, direction or authority, shall be, and they are jointly and severally hereby indemnified, freed, and discharged, from and against all Actions, Suits, Prosecutions and Penalties whatsoever for or on account or in respect of all or any acts, matters and things whatsoever done, ordered, directed or authorized by the said Lieutenant-Governor, or by any person or persons acting under his order, direction or authority, within the said Island of St. Vincent or its Dependencies during the existence of Martial Law as mentioned in the said "Riots Indemnity Act, 1862;" *Provided always*, and the Indemnity hereby granted is granted upon this supposition and condition, that all such acts, matters and things shall have been done or shall be done *bonâ fide*, necessarily and properly, in furtherance and execution of the objects for which Martial Law was proclaimed as aforesaid; *Provided also*, That every act, matter and thing shall be presumed to have been done *bonâ fide*, necessarily and properly, until the contrary shall be made to appear by the party complaining.

No. 189.
22nd January, 1863.

CL. I.
Repeals 1st, 2nd and 3rd
Clauses of Riots Indemnity
Act, 1862.

CL. II.
Indemnifies the Governor
and all persons acting
under him for any act,
matter, or thing done
during Martial Law.

Proviso.
Indemnity granted
upon supposition that
such acts have been
done in furtherance of
objects of Martial
Law.

Proviso.
Acts presumed to have
been necessarily done
unless the contrary be
made to appear.

INDEX.

ABETTORS.

	No. of Act.	Clause	Page
— Of a Misdemeanour liable as Principals	23	LXIV	37
— So also of Petty Misdemeanours, and Petty Offences	{ 101 104	XVII XCI	250 300

[See ACCESSORIES.]

ABDUCTION.

— Of any Woman, on account of her fortune, with intent to marry or defile her; a Felony punishable with Transportation or Imprisonment	"	XCI	40
— Of a Girl under 16 from lawful guardianship; a Misdemeanour punishable by Fine or Imprisonment	"	XCIII	"

ACCESSORIES.

— Before the act, in cases of Felony, may be tried either as such, or as Principals	23	LXI	37
— After the act, may be tried as if offence committed in the same place as the Principal Felony	"	LXII	"
— May be prosecuted after the conviction of Principals, though the latter should die or be pardoned, &c.	"	LXIII	"
— Before the act, and Principals in the second degree, in Felonies punishable with death, shall also undergo capital punishment. [And see CL. LXVIII.]	"	LXIV	"
— After the act, in any Felony, except Murder and Receiving Stolen Goods, liable to two years' imprisonment	"	ib.	"
— How to be dealt with in cases of Murder or Manslaughter, when the Death, or only the cause of Death, happens within the Government of St. Vincent	"	LXXXI	39
— How punishable for Felonies, under Act of 20th December, 1847	73	XXVI	148
— Before the act, to be punished as Principal Felons	79	I	154
— After the act may be tried for Felonies, with, without, or after the Principals	"	II	"
— When jointly indicted, may be convicted separately	113	XV	338

ACKNOWLEDGMENTS.

— Of Deeds for Registration: time allowed for	2	XII	4
— Must be in English	"	XIV	"
— Priority to be reckoned from time of Entry	"	XVI	5

ACTS OF THE LEGISLATURE.

— May be altered, amended, or repealed, during the Session wherein they passed	95	I	206
— In referring to, sufficient to cite the time of Publication, without the Title	"	II	"
— To be divided into Sections	"	III	"
— Interpretation-clause respecting	"	V—VIII	207
— Repeals of, their effects	"	IX	"
— To be deemed Public, unless otherwise provided	"		

ADMINISTRATIVE COMMITTEE.

— How to be constituted	150	VI	416
— Members of Assembly appointed not to vacate their seats	"	VII	"

ADMINISTRATIVE COMMITTEE—continued.		No. of Act.	Clause	Page
— Duties and privileges of		150	VIII—XI	416, 17
— Members of, to be the Organs of Government in their respective Chambers		"	IX	417
— Clerk to, appointment of, &c.		"	XII	"
— To perform the functions of the Commissioners for Landing-place at Kingstown		163	XI	457
— Of the Directors of Prisons vested in		164	I	458
— Provision for giving salaries to Members of, repealed		180	I	548
ADMISSION OF PRACTITIONERS.				
— In Law Courts, how to be approved and qualified		168	XI	478
AFFIRMATION.				
— Of Quakers, good for Registration of Deeds, &c.		2	XXIX	7
AGRICULTURAL SOCIETY.				
— Annual Grant to, for prizes for stock to be exhibited, &c.		90	I	189
— President of, to lay statement of expenditure before the Council and Assembly		"	II	"
AMENDMENT.				
— In what cases may be made by the Court in Indictments		113	I	335
— Verdicts and Judgments valid after		"	II	336
— Need not be noticed in Records		"	III	"
APPEAL.				
— Court of: its establishment, and how constituted		142	I—IV	397
— Officers of, and their fees		"	V	"
— When and where to be held		"	VI	"
— Judgments of, how to be delivered and to take effect		"	VII—IX	398
— Saves appeals to Her Majesty in Council		"	X	"
— In what Criminal Cases questions may be reserved, and proceedings thereon		"	XI—XIII	398, 9
— Writs of Error may be returnable before		"	XIV	399
— Miscellaneous provisions respecting Procedure on, &c.		"	XV—XXII	399, 400
— How to be made on Assessments for Taxes		155	XXVI	436
— From sentence of Bishop under Church Discipline Act		10	XII, XIII	326
<i>Against summary conviction by Justices</i> 370				
APPRENTICESHIP—[CONTRACTS OF].				
— Former Laws respecting, repealed		30	IV	47
— May be set aside for Fraud		"	V	"
— To be made by Father, Mother, or Guardians on behalf of Children between 10 and 16		"	XIV	49
— Restrictions on, as to Term and Labour in Husbandry, &c.		"	XV, XVI	"
— Youths above 16 may enter into, for Skilled Labour		"	XVII	"
— Law of England respecting, to be applied to St. Vincent's		"	XVIII	"
— Stipendiary Magistrates to have exclusive jurisdiction regarding,		"	XIX	"
ARCHDEACON.				
— May visit and inspect Churches, Parsonage-houses, &c., and report respecting Repairs required		18	V	11
ARREST.				
— All persons free from, in Civil causes, on Sunday		168	XX	480
ARREST WITHOUT WARRANT.				
— In what cases allowed; by whom; and proceedings thereon		23	xcvi and c	41
— Any persons may apprehend those committing an Indictable offence by night		113	XXXIII	341
ASSAULT.				
— In cases of Misdemeanour; such as, with intent to commit Felony, or upon a Peace Officer, how punishable		23	xcvi	41
— With intent to rob		73	VI	145
— On Constables, &c.		104	LXXXIX	297

ASSAULT— <i>continued.</i>	No. of Act.	Clause	Page
— Common, proceedings respecting	104	LXXXIV	298
— Against the Person, when included in a charge of Felony, the Jury may acquit of the Felony and find for the Assault	113	XXVI	148
— Aggravated, how to be punished	113	XXXVII	341
[And see No. 104. LXXXV. 298]			
— On an Indictment for Robbery, including an Assault, Jury may convict for the latter only	„	X	337

ASSESSED TAXES.

— Rates of, chargeable on Horses, Carriages, Boats, &c.	155	V, VI	430, 1
— Boats to be licensed	„	VI—IX	432
— Assessors to be appointed; their districts, powers, and duties	„	XI—XXIII	433—5
— Commissioners; duties and powers of,	„	XXIV, V	436
— Mode of procedure	„	XXVI	„
— How to be recovered	„	XXX—XL	437—440

ASSESSMENTS.

— For Public Taxes recoverable, on change of owners, from the property liable	25	II	43
— Townwardens of Kingstown empowered to make and levy for Municipal purposes	34	IX, X	57

ATTACHMENTS.

— Proceedings on	168	CVI	503
----------------------------	-----	-----	-----

ATTEMPTS.

— A person indicted for Felony or Misdemeanour may be found guilty of an attempt only, and punished accordingly	113	IX	337
---	-----	----	-----

ATTESTATION. [See WILLS.]

ATTORNEY-GENERAL.

— Salary, increased to 400 <i>l.</i> per annum, granted to	56	I, II	109
— Extra duties of; to attend Special Courts of Sessions, and draft Bills for Legislature	„	III, IV	„

BAIL.

— Who admitted to, on charges of Felony	23	II	28
— When Justices may take, on charges of Felony or Misdemeanour	101	XXIX	256, 256
— Proceedings relating to, in Civil Actions	168	XXIII—XXIV	480

BARRACK GROUND.

— Act Appropriating, for Residence of the Governor, repealed	8	I	13
— The site to be sold	„	III	14
— Commissioners appointed for Sale of	„	IV	„

BARROUALIE.

— Police Establishment at	29	I, III	46
— Lots of land in the town appropriated to building a Church; and vested in the Rector of St. Patrick and St. David's	41	I	73
— Appointment of Townwardens for; their powers, duties, &c. [Act of 6th March, 1844, No. 55.]			
[See TOWNWARDENS.]			
— Certain lots of Land incorporated in the Town	112	—	335

BASTARD.

— Father of, not liable to prosecution for taking the child from its mother, &c.	23	XCIV	41
--	----	------	----

BENEFIT OF CLERGY.

— Abolished	„	XV	30
-----------------------	---	----	----

BEQUIA.			
	No. of Act.	Clause	Page
— The Laws extended to this Island	3	I	7
— Provision of a Stipend for Rector of	38	I	65
— Grant for purchase of Glebe-land to be annexed to the Rectory	69	I	142
— Rectory of, to be converted into a Perpetual Curacy, after removal of the present Incumbent	127	I	364
— Stipend provided for the Perpetual Curate of,	"	III	"
— The Church and Churchyard to be vested in him	"	IV	365
— Fees for enclosed Burial-grounds and Mural Tablets to constitute a Church Fund; saving present rights	"	V, VI	"
BIGAMY.			
— A Felony, punishable with Transportation or Imprisonment	23	xcv	41
— Exceptions:—case of aliens; seven years' absence; divorce	"	ib.	"
BOATS.			
— Tax upon, excepting Droghers, &c.	155	v	430, 1
— Annual Licences to be taken out for	"	VIII, IX	432
— Used for Smuggling to be forfeited, &c.	188	XV, XVI	558, 9
— Such may be seized by Revenue or Police Officers, on reasonable suspicion	"	XVII	55, 9
BOOKS.			
— Reprints of, published in the United Kingdom and registered, may be imported, subject to a Duty of 20 per cent.	88	I—VI	180, 1
— Duty on, to be remitted to the Commissioners of Customs in London, for the use of the registered proprietor of the Copyright, &c.	"	ib.	"
BOTANIC GARDEN.			
— Trustees of, authorized to grant right of water from the Reservoir, for supply of Colonial Hospital	54	I	102
BRIDGES—[PUBLIC].			
— Destroying or injuring, a Felony punishable with Transportation or Imprisonment	23	LXXII	38
BUGGERY.			
— A Felony, to be punished with death	"	LXXXVIII	40
— What must be proved to constitute the crime	"	XCI	"
— False Accusation of, with intent to extort	73	IV	145
BURGLARY.			
— Coupled with an Assault with intent to murder, or with Cutting or Stabbing, a Capital Felony	"	XXI	147
— Punishment of, when not aggravated	"	XXII	"
— Between what hours Housebreaking amounts to,	"	XXIII	"
BYERA RIVER.			
— Lands on, erected into a Parish; its boundaries	4	III, IV	7, 8
BYEWAYS.			
— Public, how to be repaired	160	XVIII	449
— Waywardens to assess estates, &c., liable to repairs of,	"	XIX	"
— How payment of the rates made is to be enforced	"	XXIII	450
— Commissioners for, how to be appointed; and their powers	"	XXI, II	"
CALLIAQUA.			
— Townwardens to be appointed, &c.	42	I	78
— Their powers and duties	"	II, VIII	80, 1
— Provision made for appointment of a Pound-keeper at,	51	I	97
— His fees, and duties respecting animals going loose and impounded	"	II	"
— Penalty for rescuing or breaking the Pound; to be enforced by a Justice of the Peace	"	III, IV	98
[See TOWNWARDENS.]			

CANNON.

	No. of Act.	Clause	Page
— Discharging, to annoyance of Inhabitants, a Petty Offence	104	LIV	291
— Having shot on board ship, Penalty for	"	LVI	"

CAPITAL PUNISHMENTS.

— Offenders convicted of Murder, and Accessories before the act, to suffer Death as Felons	23	LXXVIII	39
[See Act of 20th December, 1847; and see EXECUTION OF FELONS.]			
— Imperial Act of 4 Geo. III. respecting, extended to St. Vincent	32	—	54

CHANCERY, COURT OF.

— May make Orders as to Service of Process on Defendants out of its jurisdiction	81	I	157
— May order substituted service when Defendant absconds	"	II	"
— And may proceed as if service regularly made	"	III	"
— Complainant may, by leave of the Court, enter appearance for the Defendant. [And see Cl. IX.]	"	IV	"
— May order Complainant's Bill to be taken <i>pro confesso</i> , and decree accordingly, &c.	"	IV—VIII	159
— Office of Master in, abolished, &c.	134	VI—VIII	375

CHAPELS.

— Of Church of England to have Committees of Management for regulating sittings, &c., to be elected by Pew-renters	86	III, IV	174
— Penalties for neglect to serve, and how Vacancies are to be supplied	"	V—VII	178
— Punishment for riotously destroying, &c.	113	XCH, IV	342

CHARAIBS.

— Rebellion of, in 1795	—	—	14
— Lands of, reserved by treaty, declared forfeit to the Crown	11	I	"
— The lands between the Rivers Byera and Jambou annexed to Charlotte and St. David's Parishes	21	I	26
— Laws of St. Vincent extended to the Country of	11	II	14

CHARCOAL.

— Act of 1839 respecting, repealed	60	I	112
— Penalty for making, by unauthorized persons	"	II	"
— — on selling without a Licence	"	III	"
— Regulations respecting sale of, by Wholesale	"	IV	113
— — by Retail	"	V—VIII	114—16
— Not to be shipped without a Permit	"	XII	117
— Proceedings on Offences respecting	"	XIII—XXI	117—19
— Government may grant leave to cut down Trees on Crown Lands for making	"	XXII	119

CHARLOTTE PARISH.

— Charaib lands lying between the Rivers Byera and Jambou annexed to	11	III	14
— Lands between Owia Rivers and Gagarawa Bay transferred to	20	I, II	26
— Act for erecting a Parsonage House for, at Grand-Sable	21	II	"
— As a Residence for the Rector	"	III	27
— Police Establishment at, legalized for confinement of prisoners	29	II	46
— Salary provided for Curate of	35	—	62
— — for Rector of	43	—	74
— Allowance for House-rent to Assistant-Curate of	92	I	190
— Stipend of future Rectors to be reduced	128	I	365

CHATEAUBELLAIR.

— Appointment of Townwardens for; their powers and duties, &c. [Act of 6th March, 1844].	55	—	103
[See TOWNWARDENS.]			

CHIEF JUSTICE.			
	No. of Act.	Clause	Page
— Provision of Salary for, on future appointments	70	I	142
— In absence of, Governor may appoint an Acting	117	I	347
— Powers, duties, &c., of such Acting	"	II—VIII	347, 8
— Professional standing required for filling the Office	"	2b.	"
— Appointed Vice-Chancellor; authority as such, &c.	134	I—V	374
CHLOROFORM.			
— Use of, or other stupifying drugs, in order to commit a Felony, to be punished as such	113	XL	241
CHURCHES.			
— Riotously demolishing, a Felony	"	XLIV	342
— Persons behaving irreverently in, punishable under Sum- mary Offence Act	170	VI	528
CHURCH BUILDING.			
— Former Acts relating to, recited	15	—	18
— Grants, amounting to 33,000 <i>l.</i> , for St George and St. Andrew's	"	I	19
— Governor empowered to issue Warrants for, in other parishes	"	II	"
CHURCH DISCIPLINE.			
— Bishop authorized to enforce by a Commission of Inquiry, on Complaints against Clergy	10	I, II	323
— Proceedings under such Commissions	"	IV—XI	324—6
— Appeals from Sentence of Bishop respecting	"	XII, XIII	326
— When Exhibitions shall issue, and the Proceedings thereon	"	XIV—XVIII	327, 8
— Sentences of Deprivation, when to be executed	"	XIX	328
— General Powers for enforcing provisions respecting	"	"	"
— Forms of proceeding therein	"	—	330—2
[See ECCLESIASTICAL JURISDICTION.]			
CHURCHWARDENS.			
— How to be nominated	86	II	174
— Penalty on, for not serving, or for neglect	"	V	175
— To receive and appropriate Pew-rents, &c.	"	X—XIV	176, 7
— To register dates of Births &c., in Minister's absence	"	XV	"
— To send copies of Registers to the Registrar's Office	"	XVII	"
CIVIL JUSTICE—[ADMINISTRATION OF].			
— Constitution and Jurisdiction of the Supreme Court of Judicature	168	III, IV	476, 7
— Sittings thereof fixed	"	V—VII	477
— Rules for Practice to be framed	"	VIII	478
— Provisions respecting Officers of the Court	"	IX, X	"
— How Practitioners are to be admitted	"	XI	"
— Costs of Issues to follow the finding or judgment	"	XII	"
— Process and Proceedings; Summons, Declaration, and Ser- vice thereof [with Returns of Provost-Marshal, § xxiv.]	"	XIV—XVI	478, 9
— Writs of <i>Scire Facias</i> , how and when to issue and be served, &c.	"	XVII, XVIII	479, 80
— — Payment after Judgment may be pleaded to	"	[XXVII]	"
— — of <i>Capias</i> , when to be issued	"	XIX	480
— Arrests under, not to be made on Sunday	"	XX	"
— Provisions respecting Bail	"	XXI—III	"
— As to Actions on Bonds conditioned in Penalties, and for Breach of Covenants	"	XXV, VI	481, 2
— On Promissory Notes, and Bills protested, with the interest recoverable thereon	"	XXVIII, IX	482
— In Actions for Contracts made by persons residing out of the Government	"	XXX	483
— Juries:—Process of summoning, &c., and Trials by	"	XXXI—VII	483, 4
— Witnesses, summons of, allowances to, and taking depo- sitions of, &c.	"	XXXVIII—XLIII	484—6
— Pleadings and Judgments	"	XLIV—LII	486, 7

CIVIL JUSTICE— <i>continued.</i>	No. of Act.	Clause	Page
— Powers of Attorney, when admitted in evidence, &c.	168	LIII, LV, LVI	488
— Probates of Wills, when good evidence	"	LIV	"
— Executions, how to be levied; sales thereunder; and other proceedings	"	LVI—CV	488, &c.
— Directions as to sales of goods and chattels	"	{ LXXVII, VIII XCIV—VII }	494
— Lands, &c., how and when to be sold	"	LXXIX, LXXX	500, 1
— Conveyances of Lands, &c., taken in execution, how to be executed	"	XCVIII, IX	501
— Attachments, and proceedings thereunder, against persons indebted to Defendant, &c.	"	CVI—XIII	503
— Summary Jurisdiction of the Supreme Court; how complaints are to be heard and determined	"	CXIV	505
— Mode of proceeding in Complaint—Actions	"	CXV—CXXIV	505, 6
— Ejectments for property under 20l. may be so prosecuted	"	CXVI	"
— Insolvent Debtors; allowances for support of, in prison; petitions of, for discharge; the hearing, &c.	"	CXXV, VI	507
— Dockets of Fees to be framed and fixed up in the Secretary's office, &c.	"	CXXVII, VIII	507, 8

CLERGY.

— Provision for performance of the duties of, during temporary absence; and by whom leave may be given	100	I—III	246
[See CHURCH DISCIPLINE and ECCLESIASTICAL JURISDICTION.]			

CLERK OF THE CROWN; PEACE; AND COUNCIL.

— Governor to appoint an Officer acting as, on death or absence of the Principal, or his Deputy	9	I	12, 13
[See COLONIAL SECRETARY.]			

COIN.

— How to be described in Indictments	113	XVIII	338
--	-----	-------	-----

COLONIAL BANK.

— Charters establishing, to be enrolled, and Certified Copies made legal evidence	42	I	73
---	----	---	----

COLONIAL HOSPITAL.

— Site of, how acquired, &c.	54	—	101, 2
— Provision for supply of water to, by a watercourse through the Montrose estates.	"	I	102
— Commissioners appointed, &c.	"	II, IV	"
— Chairman and Committee to be named by Governor for Management of.	143	III, IV	401
— Medical Officer, and Servants, how to be appointed	"	V, VI	"
— Committee to frame Rules for Government of, to be approved by Governor	"	VII, VIII	"
— Patients to be admitted, under certain restrictions as to disorders	"	IX	"
— Annual allowance for support of.	"	X	402
— Grant for support of Out-door Patients of	145	—	403

COLONIAL SECRETARY.

— Salary assigned to, in lieu of Fees, conjointly with the offices of Registrar of Deeds, Clerk of the Council, Secretary of the Supreme Court, and Clerk of the Crown.	126	I, II	263, 4
---	-----	-------	--------

COMBINATION OF WORKMEN.

— Imperial Act of 6 Geo. IV. c. 129, extended to this colony	30	XXX	51
--	----	-----	----

COMPENSATION.

— Justices may order the payment of, or amends, in Summary Proceedings	101	CXXXIV, V	258
— — And for frivolous Informations	"	LI	264

COMPOUNDING OFFENCES.

	No. of Act.	Clause	Page
— By offering rewards for recovery of property	104	XXVIII	280
— By Informers, punishment of	"	XO	300

CONCEALMENT OF BIRTH.

— By the mother of a child, a Misdemeanour punishable with two years' imprisonment	23	LXXXVI	39
— On trial for, unnecessary to prove whether child died before or after birth	"	ib.	40
— Jury may bring in Verdict of, on acquittal upon an Indictment for Murder	"	ib.	"

CONSTABLES.

— To execute the Orders and Warrants of Stipendiary Magistrates	30	XXIX	51
— Protection of, against vexatious suits, &c.	97	{ III—IX, and XII, &c. }	225—7
— Appointment of, by Court of Grand Sessions of the Peace	98	VIII, IX	230, 1
— Two such to attend the Sittings	"	XXVI	236
— Rural, to be paid as Special, when on duty	171	III	533
— Punishment of, for neglect of duty, &c.	104	LXXXI, II	298
— Assaults on, &c., a Petty Misdemeanour	"	LXXXIX	297
— Refusing to aid, for apprehension of offenders	"	LXXX	298
[See SPECIAL and STIPENDIARY.]			

CONTEMPT OF COURT.

— Procedure by Justices or Magistrates for	104	XCV	301
--	-----	-----	-----

CONTINGENT INTERESTS.

— May be conveyed by Deed	85	V	172
-------------------------------------	----	---	-----

CONTINGENT REMAINDERS.

— Abolished	"	VIII	"
-----------------------	---	------	---

CONTRACTS OF SERVICE.

— May be set aside for Fraud	30	V	48
— Not valid, unless made on the land where the service is to be performed	"	VI	"
— When written, not valid, unless signed in Magistrate's presence, and for one year only	"	VIII	"
— Unwritten, to be in force for four weeks only	"	VII	"
— To specify the hours of daily labour	"	X	"
— When wages paid in kind, the articles and quantity	"	XI	"
— Form of	"	XIII	"
— To be enforced by Stipendiary Magistrates exclusively, and in a summary way	"	XIX	49
— Powers and Duties of such Magistrates respecting	"	XX—XXIX	49—51
— Complaints of breach of, by Master	"	XXIII	"
— " " by Servant	"	XXIV	"

CONTRACTS FOR REPAIR OF ROADS.

[See HIGHWAYS.]

CONVEYANCES.

— None made by Feoffments, &c., shall operate by Wrong, or have a greater effect than the usual forms	85	VII	172
---	----	-----	-----

[See IMMIGRATION.]

COPYRIGHT. [See BOOKS.]

CORONER.

— His duty on Inquisitions for Murder or Manslaughter	23	IV	28, 9
— Penalties on, for Malfesance	"	VI	"
— Number of his Jury on an Inquest reduced from twelve to six	"	XXXVIII	240
— Penalty for their Nonattendance on Summons	"	XXXIX	"
— Respecting Inquisitions by	"	XXXVIII—LX	"

COBONER—continued.	No. of Act.	Clause	Page
— Payment of, for holding	23	XXXVIII—XL	240
— Police Magistrates, in their several districts, to act as; their fees therein	138	IV	379

CORROSIVE FLUIDS.

— Injuries to the person by, how punishable	73	XXIV	147
---	----	------	-----

COSTS.

— In Summary Proceedings, discretionary with the Justices	101	XXXII	257
— Of any Issue tried, to follow the finding or judgment, &c.	168	XIII	478

COURTS OF JUDICATURE.

— Repeal of all Acts respecting, which interfere with the operations of Imperial Statutes and Letters Patent for establishing Supreme Courts	27	I	44
<i>Counsel may appear in Siskies Cr</i>	101	XXV.	253
COURT HOUSE.			

— At Kingstown, Act for building	8	II	12
— Site of, vested in the Crown	"	VIII	"
— Appropriation of Rooms in, to Public purposes	"	ib.	"

COVENOUS INSTRUMENTS.

— Act to prevent Frauds by means of	2	I	1—7
---	---	---	-----

CRIMINAL JUSTICE—[ADMINISTRATION OF.]

— Imperial Act for Improvement of, extended to these Islands	23	I	27
— In what Cases Bail to be taken on Charges of Felony	"	II	28
— As regards Mode of Proceeding by Justices	"	II, III	"
— Same on Charges of Misdemeanour	"	IV	"
— Duties of Coroner in respect of	"	V	29
— Penalties on Justices and Coroners for Malfeasance	"	VI	"
— As to framing Indictments, and their liability to be abated or vitiated	"	VII—X	"
— Provisions in Cases of FELONY, MISDEMEANOUR, &c.	"	XI—XXIII	30, 31
— Act respecting (No. 23), amended, as regards certain Offences and Punishments	59	II—VII	111
— Further amended, with respect to the punishment of cer- tain Felonies	73	I—XXVIII	144—8
— Indictments may be amended in Cases of Felony and Mis- demeanour	113	I—IV	335
— Rules for framing Indictments	"	V—VIII	335, 7
— In what cases Verdicts may be returned differing from the Charges laid in Indictments, &c.	"	IX—XIII	337, 8
— When such for jointly receiving, Offenders may be convicted separately	"	XIV, XV	338
— As to separate Accessories, Receivers, and Larcenies	"	XV—XVII	"
— Coin and Banknotes may be described as money	"	XVIII	"
— Prosecutions for Perjury, when and how to be instituted	"	XIX—XXII	338, 9
— Venue in the margin to suffice	"	XXIII	339
— What defects shall vitiate an Indictment	"	XXIV	"
— When objections to be taken	"	XXV	340
— Traversing Indictments, &c.	"	XXVI—VIII	"
— Punishments for certain Indictable Offences	"	{ XXIX—XXXI and XXX—XLI }	340, 2
— Fraudulent Debtors not punishable with Death, but as for Misdemeanour	"	XLI, II	342
[For details, see PLEAS, JURIES, &c.; and ASSAULTS, BURGLARY, &c.]			

CRIMINAL LUNATICS.

— How to be disposed of	98	XXIX	237
-----------------------------------	----	------	-----

CROWN LANDS.

— Provisions against unauthorized occupation of	44	I—VI	75, 6
— Amended by Act 11th April, 1844	57	I, II	109

CROWN LANDS— <i>continued.</i>	No. of Act.	Clause	Page
— Governor may grant leave to cut down Trees on, for making Charcoal	60	xxii	119
CROWN AND COLONY SURVEYORS.			
— Authorized to enter on adjoining lands	48	I	82
— Exempted from liability to Actions for Trespass	"	II	"
— Amendment of Act (No. 48) relating to:— <i>three years' title</i> for quiet possession substituted for <i>one year's</i> , as regards Orders for eviction	57	I, II	109
CRUELTY TO ANIMALS.			
— Punishable as a Petty Misdemeanour, with compensation to party aggrieved	104	xlvI	290
CURATES.			
— Provision of House-rent for, in the several Parishes	64	I	137
— For payment of a Stipend to the Curate of St. Andrew's	"	II	"
— — of Charlotte Parish	35	—	62
— For House-rent of Assistant-Curate of same	92	I	190
CURRENCY.			
— Abolished in the Islands, and Sterling money substituted in computing all payments	33	I, II	55
— All fines and penalties imposed in, reduced to Sterling	58	I	110
CUSTOMS.			
— Imperial Act relating to, declared to be repealed, under 9 & 10 Vict., as to certain Duties	71	I	143
— Steam-vessels carrying Mails exempted from paying Duties of			
— A Tonnage Duty substituted for	76	II, III	151
— Duties to be levied on Exports	154	I, II	422
— How to be charged and recovered; and Penalties for defaults of Owners and Shipmasters	"	III—X	423—5
[See EXPORTS; IMPORTS.]			
DANCING ROOMS.			
— Regulations concerning	104	lxiv	295
DEBTORS.			
— Fraudulent, how to be punished	113	xli	342
— Proceedings against, after Judgment against a Defendant to whom they are indebted. [See INSOLVENT]	168	cviii—cxii	504, 5
DEPRIVATION.			
— Sentence of, pronounced by Bishop, how to be executed	110	xix	328
DESERTION.			
— Of Wife or Children, how punishable	104	lxxv	297
DIAGRAMS. [See GRANTS.]			
DILATORY PLEAS.			
— Not to abate Proceedings on Indictments	23	viii	29
DISORDERLY PERSONS.			
— Description of, and how punishable	104	lxxii, iii	202
DOWER.			
— Widows to have, out of Husband's Equitable as well as Legal estates	82	ii	160
— Seisin not necessary to create right of	"	iii	"
— Not chargeable on Lands sold or devised	"	iv	"
— Priority of Debts, Incumbrances, &c., charged on Land	"	v	"
— May be barred by Husband's Declaration by Deed or Will	"	vi, vii	"

DOWER—continued.

	No. of Act.	Clause	Page
— And subject to conditions and restrictions made by Will	82	VIII	160
— Barred by Devise to Widow of Real Estate	"	IX	161
— But not by Bequest of Personals	"	X	"
— Jurisdiction of Court of Equity in Contracts and Legacies, reserved	"	XLVII	"
— Certain forms of, abolished	"	XIII	"
— Proceedings for Arrears of, limited to six years	84	XXXVI	171

DRIVERS OF CARTS, &c.

— Penalties for offences by	104	L, LI	290, 2, 3
[And see Nos. 5, 6, and 24, under PETTY OFFENCES; see also HIGHWAYS.]			

DROGHERS.

— Exempted from Tax on Boats	155	V	430, 1
--	-----	---	--------

DRUNKARDS.

— Punishment of	104	LII	291
---------------------------	-----	-----	-----

ECCLESIASTICAL JURISDICTION.

— Vested in the Bishop of Barbadoes and the Leeward Islands over the Clergy of St. Vincent, &c.	18	I	23
— Laws and Canons of England touching same extended to these Islands	"	II	24
— Procedure in execution of, as regards Clergy	"	III	"
— Over subordinate Officers	"	IV	25
— In exercise of, Bishop or Archdeacon to visit and inspect churches, parsonage houses, &c., and report necessary repairs, &c., to Commissioners of public buildings, who are to carry out fitting recommendations, with assent of House of Assembly	"	V	"
— Saves Jurisdiction of the Ordinary, and the power of the Court of King's Bench to issue Writs of Prohibition	"	VI	"
[See CHURCH DISCIPLINE.]			

EDUCATION.

— Board of, appointed	140	I	395
— Grant for purposes of, to be apportioned by the Board among the Schools of different Denominations	"	III	"
— Their Clerk, and his salary and general expenses	"	II, IV	"
— Duties of the Board, as regards making rules for, and visiting and examining Schools	"	V, VI	395, 6

EJECTMENT.

— When brought under Summary Procedure	162	LXVI	506
— Action of, how to be brought	169	III	516
— Writ of, service thereof, and appearance thereto, &c.	"	IV—VIII	"
— How Defences to the Action are to be made	"	XI—XIII	517
— If by Joint Tenants, &c.	"	XXIII	518
— Issues, how made up	"	XIV	"
— Special case may be stated	"	XV	"
— Trial of Issue, Verdict, and Judgment	"	XVI—XXIV	"
— Actions not to abate by Death	"	XXV	"
— Proceedings upon death before Trial	"	XXVI—XXXIV	518—520
— Discontinuance, by notice or default	"	XXXV—VII	520
— Confession of Defendants, and signing Judgment thereon	"	XXXVIII—XL	"
— Tenants being served, to give notice to their Landlords, under penalty	"	XLI	521
— Proceedings in, by Landlord, for nonpayment of rent	"	XLII—IV	121, 2
— — against Tenant holding over after determination of Tenancy	"	XLV, VI	522
— Judge may award Damages for mesne profits	"	XLVII	523
— On proceedings in, by a Mortgagee	"	L, LI	524

ELECTIONS.

[OF MEMBERS OF THE HOUSE OF ASSEMBLY.]

— The privilege granted to Freeholders, &c., of Bequia and other Grenadines	4	V	7
---	---	---	---

ELECTIONS— <i>continued.</i>	No. of Act.	Clause	Page
— Act respecting, 26 Geo. III., repealed	63	I	124
— Boundaries of Parishes, as regards, defined	"	III	"
— Governor to issue Writs for, and Provost-marshal-general, as Returning Officer, to give notice of and issue Precepts to Constables, &c.		IV, V	125
— Who may be elected, and Qualification of Candidates as to property, &c.	"	VI—VIII	126
— Certain Officers of Government declared incapable of sitting, under penalty	"	IX	127
— Qualifications of Voters at	"	X	128
— — reduced for Kingstown	"	XI	"
— When two or more persons may be qualified by the same property, or as partners in trade	"	XII	129
— How long before must Voters at, be in possession	"	XIV	"
— Trustees and Mortgagees in possession may vote at, but not otherwise	"	XV	"
— How Qualifications to vote at, are to be proved	"	XIV—XVII	129, 30
— Fraudulent Conveyances, &c., to give Qualification to stand good against the grantors; but the parties liable to a forfeiture of 80 <i>l</i>	"	XVIII	130, 1
— Rates and Taxes not to be considered charges on lands, &c., constituting qualification	"	XIX	131
— Violation of the freedom of—by false returns, threats, violence, &c., punishable by forfeiture	"	XX	"
— The House of Assembly to determine all disputes touching Proceedings thereunder as to Witnesses, Petitions, &c.	"	XXI	"
— Registration of Voters for	"	XXII	132
— Forms relating to	"	XXVI, VII	133
— The number of Representatives chosen at, reduced from 25 to 19	78	II	153
— Candidates and Voters at, qualified by producing receipts under the last Tax Act	87	II, III	179
— OF TOWNWARDENS: <i>see</i> TOWNWARDENS			
— OF VESTRYMEN: <i>see</i> VESTRIES.			
— OF COMMITTEES OF MANAGEMENT: <i>see</i> CHAPELS.			

EMBEZZLEMENT.

— By Clerks or Servants, a Felony	23	XLVIII	34
— By Attorneys or Agents, a Misdemeanour	"	XLIX, L	"
— Trustees, Mortgagees, Merchants, &c., not chargeable with, under this Act	"	LI	"
— By Factors of goods entrusted, a Misdemeanour	"	LII	35
— Proceedings for, under this Act, not to impeach other remedies	"	LIII	"
— On Indictment for, by a Clerk, a verdict of Larceny may be found	113	XIII	337

EMIGRANTS. [*See* IMMIGRATION.]

ENCROACHMENTS.

— On Highways, how to be dealt with	160	XIV	448
---	-----	-----	-----

ENGLISH LANGUAGE.

— Conveyances, Mortgages, &c., must be written in, to become pleadable	2	XIV	5
---	---	-----	---

ENTICING AWAY.

— Of a Child under 10, with intent to steal from the person, a Felony	23	XCIV	40
--	----	------	----

EVIDENCE.

— Law of, amended, to admit of Witnesses incapacitated "from Crime or Interest" being examined	99	I	242
— To admit of parties to a Suit being allowed to give	"	II	243
— The accused not to be competent or compelled to give, against himself in Criminal Cases	"	III	"

EVIDENCE— <i>continued.</i>	No. of Act.	Clause	Page
— Husbands and Wives of parties to be allowed to give, saving in exceptional cases	99	v	243
— The provisions respecting, not to apply to proceedings for Adultery, or Breach of Promise of Marriage	"	ib.	"
— The Supreme Court may compel the allowance of inspection of documents required as	"	vi	"
— British and Foreign Acts of State offered in, how to be authenticated	"	vii	244
— What Medical Diplomas, &c., may be received in, without formal proof	"	viii	"
— How trial, conviction or acquittal may be proved in Criminal cases	"	ix	"
— When copies of documents, examined and certified, may be admitted as	"	x, xi	245
— All Courts, &c., having power to take, may administer oaths to Witnesses	"	xii	"
EXECUTIVE COMMITTEE.			
— How to be constituted, &c.	150	ii—iv	415
— To exercise the Powers of the Privy Council	"	v	416
— Members of, not to vacate their seats in the Legislative Assembly	"	vii	"
EXECUTION OF FELONS.			
— Time and mode of	23	lxxix	39
— May be stayed or respited	"	ib.	"
— Treatment of Condemned Prisoners before, under Prison Regulations	"	lxxx	"
EXECUTION IN CIVIL CAUSES.			
— Proceedings in, and provisions regarding Cases under, &c.	168	lvi, cv	438—503
— — Under Summary Procedure	"	cxvii, iii	506
EXECUTORS.			
— To be deemed Trustees of Residuary Estates not Disposed of by Will; saving their own rights	37	xiii, xiv	65
— Of Mortgagees may convey the legal estate vested in Heirs-at-law, &c.	85	ix	173
EXPLOSIVE SUBSTANCES.			
— Injuries to the Person by	73	xxiv	147
EXPORTS.			
— Duties chargeable on	154	i	422
— How to be levied, &c.	"	ii, iii	423
— Liabilities of Masters of Vessels and Shippers in respect of	"	iv—x	423—5
EXTORTION. [<i>See</i> THREATS.]			
FALSE PRETENCES.			
— Obtaining Money, &c., by, a Misdemeanour.	23	liv	35
— Rule when it amounts to Larceny	"	ib.	"
— As to framing Informations for	104	xii	283
FELONY.			
— Who may be admitted to Bail, on charges of	23	ii	28
— Mode of Procedure by Justices, in cases of	"	ii, iii	"
— On Trials for, peremptory challenges of Jurymen limited	"	vii—ix	29
— Indictments for, when not to be abated by defects, &c.	"	ix, x	"
— Judgments for, not to be stayed or reversed for technical niceties	"	xi	30
— Effect of Plea of "Not Guilty," or of standing mute	"	xii	"
— On Trials for, peremptory challenges of Jurymen limited	"	xvi	"
— When not punishable with Death	"	xvii	"
— How such as are not Capital, are to be punished	"	xviii	"
— Sentences for, when Imprisonment is undergoing for a prior crime, may take effect from the expiration of the first	"	4 E	"

FELONY—*continued.*

	No. of Act.	Clause	Page
— On a second Conviction, the offenders liable to Transportation or Imprisonment	23	XIX	31
— Effect of a Royal Pardon on offenders convicted of	"	XX	"
— Persons convicted of, restored to Civil rights after undergoing their sentences, as in case of a Royal Pardon	"	XXII	"
— [Or Misdemeanour] committed on the High Seas, or within three miles of land, where to be tried, &c.	73	XXV	148
— A party indicted for, may be convicted of an attempt to commit	113	IX	337
— So also of an Assault	"	X, XI	"

FENCES.

— Destroying or damaging, Punishment for	104	XXI	285
--	-----	-----	-----

FEOFFMENTS.

— Construction of, with respect to other Assurances	85	VII	172
---	----	-----	-----

FIGHTING COCKS.

— Punishment for keeping any yard, pit, &c., for	104	LXIII	295
--	-----	-------	-----

FINES AND RECOVERIES.

— How Deeds are to be executed, in order to have the force of	162	I—IV	455
---	-----	------	-----

FIREARMS.

— Discharging within 300 yards of any dwelling-house	104	LV	291
— —, on or within 100 yards of a public road	174	XXI	"

FIREMEN.

— To be enrolled for Kingstown	34	XXII	60
--	----	------	----

FIRING.

— Any Church, House, &c., or Vessel	73	XIV	146
— Any Stack of Straw, Cane-tops, Wood, &c.	"	XV	147

FISHERIES.

— For protecting; size of meshes in Seines defined, under penalty	173	I	659
— Seines with smaller meshes may be seized and forfeited	"	II, III	"
— Destruction of Turtle or other Fish, or of Nets, Pots, &c., or taking Fish thereout	"	IV	"
— Poisoning Streams, &c., or turning their course to take or destroy Fish	"	V	540
— Mode of Procedure	"	VI	"

FORGERY.

— How Instruments to be described in Indictments for	113	V	330
--	-----	---	-----

FORT CHARLOTTE.

— Governor may station a Police Force at	152	V	419
— — may assign quarters there to the Superintendent	"	—	"
— Morning and Evening Guns and Salutes to be fired from	"	—	"
— Legalized as a Prison for the Rioters in 1862	182	I	649

FORTUNE-TELLING.

— Punishment for practices of	104	IV	281
---	-----	----	-----

FREEHOLDS.

— How may be conveyed, leased, &c.	85	H	172
--	----	---	-----

FRIENDLY SOCIETIES.

— How to be formed	40	I	82
------------------------------	----	---	----

FRIENDLY SOCIETIES—continued.

	No. of Act.	Clause	Page
— Rules of, how to be made, confirmed, and administered	49	I—III, V—VIII	83—5
— Powers of Arbitrators and Justices respecting	"	{ III, IV, XIX, XXIV—XXVI }	87—91
— Officers of, how appointed, &c.	"	VIII	85
— Committees of, how elected, and for what purposes	"	X	"
— Treasurers and Trustees: their duties, powers, and responsibilities, &c.	"	{ IX, XI—XIV, and XVIII }	85, 7
— Court of Chancery to make Orders respecting Funds of	"	XII—XV	85—7
— Members of, payments to their representatives	"	XX, XXI	88, 9
— Proceedings for Dissolution of	"	XXIII	90
— Disputes, how to be settled	"	XXIV, V	91
— May receive Donations	"	XXVII	"
— Minors may be Members of, with consent of Parents, &c.	"	XXVIII	"
— To make annual Audits and Statements of Funds	"	XXIX	92

FRUIT, &c.

— Picking, with intent to steal, a petty offence, and amends to be made	104	XVI	283
---	-----	-----	-----

FURIOUS DRIVING, &c.

— Punishment for	"	I	290
----------------------------	---	---	-----

GAMING HOUSES.

— Punishment of owners or keepers of, &c.	"	LVIII, LX	294
— Constables may make forcible Entry and seizures in	96	XXXVIII	215

GAOL, *See Prison.*

— Commissioners empowered to build, at Kingstown	7	I—VII	11
— Provost-Marshal to have custody of	"	VIII	12
— Gaoler and other Officers to be appointed and dismissed by Governor; to be under the control of Provost-Marshal; and subject to the Rules of, 1 & 2 Vic. c. 67	123	II—V	360, 1
— Salaries of Gaolers and Officers	"	IV	361
— Gaoler to give security	"	VI	"
— Chaplain's Salary abolished, on the Rectors of St. George and St. Andrew filling the Office	"	VII	"
— Salary provided for Surgeon of	136	—	377
— Fort Charlotte, and the Ordnance Buildings, constituted legal places of confinement for the Rioters of 1862	182	I	549, 50

GAOL DELIVERY.

— Governor's power of issuing Commissions of, reserved	98	VI	230
--	----	----	-----

GEORGETOWN.

— Appointment of Townwardens for; their powers and duties, &c. [Act of 6th March, 1844]	55	—	103
— Incorporating within, certain Lots of Land, part of Grand-Sable estate	91	I	189

GOVERNMENT HOUSE.

— Act for building on the Barrack Ground, repealed	8	I	13
— Residence to be purchased for the	"	II	14

GRAND SESSIONS OF THE PEACE.

— Court of, established, and how to be constituted	98	I, II	228, 9
— Jurisdiction of	"	III	229
— Powers of Adjournment	"	V	230
— Saving Governor's power to issue Commissions of Oyer and Terminer, and Gaol delivery	"	VI	"
— Officers of the Court	"	VII	"
— How Constables are to be appointed by Justices of	"	VIII, IX	230, 1
— How Grand and Petty Juries are to be constituted and summoned, &c.	"	XIV—XIX	232—4

GRAND SESSIONS OF THE PEACE— <i>continued</i> .		No. of Act.	Clause	Page
— Provisions as to Procedure in Court of	98	{	X—XIII,	233—6
			XXXV—VII, XXX	
— Allowances by Court to Jurymen, Constables, Witnesses, and Medical Practitioners.	"		XXXI	234
— How expenditure authorized by the Court is to be provided for, &c.	"		XXII, III	235
— May order the detention of Lunatics.	"		XXIX	236, 7
— How Witnesses are to be examined and summoned in certain cases	"		XXX—III	237, 8
— Court may mitigate Fines	"		XXXV	239
— How to enforce payment thereof, and of forfeited Recognizances	"		XXXVI	"
GRANT.				
— No implied Warranty to be created by use of the word	85		VI	170
GRANTS AND DIAGRAMS.				
— In Patent Office to be transcribed and copied into a Book	17		I	23
— Copies of, certified by Clerk of Patents, to be received in Evidence	"		II	"
— Fees thereon	"		IV	"
GRENADINES.				
— The Laws of St. Vincent extended to these Islands north of Carriacou	3		I	7
— Provision of a Stipend for Rector of	38		ib.	65
GROWING CROPS.				
— Punishment for stealing, &c.	104		XVI	283
HARD LABOUR.				
— Imprisonment with, discretionary in the Court, for offences under "Criminal Justice Act"	23		XCIX	41
— May be awarded by Court of Grand Sessions	73		XXVIII	148
HARM.				
— Inflicting grievous bodily, a Misdemeanour	113		XXXVI, VII	301
HIGH SEAS.				
— Justices of the Peace to have Summary Jurisdiction with respect to Misdemeanours, &c., committed on	101		VI	247
— Time limited for Complaints, &c., thereon	"		VIII	"
HIGHWAYS.				
— Waywardens, how to be appointed	160		II, III	445
— To report on the State and Improvement of	"		IV	"
— To inspect and visit	"		VI	"
— Those to be repaired at the public expense determined	"		V	"
— Width of, and how to be widened	"		VII—IX	445, 6
— When they may be turned, and drains made	"		X	446
— Proceedings on Appeals	"		XI	447
— Encroachments on, how to be dealt with	"		XIV	448
— Opening Quarries for repairs of	"		XV	"
— Penalty for injuring	"		XVI	"
— For not lopping trees overhanging	"		XVII	"
— Proceedings for penalties on Waywardens neglecting to serve	"		XXIV—VI	456
— Repairs of, to be made by them, on default of Contractors, &c.	"		XXXII	451
— Governor may remove and appoint Waywardens	"		XXXIII	"
— Provisions respecting Contracts for keeping in repair	"		XXXVII—XXXIV	451, 2
— All Implements, Horses, &c., of Waywardens employed on, to be Public Property	"		XXXVI	453

HOMICIDE.

	No. of Act.	Clause	Page
— Excusable, or Justifiable (by misadventure or in self-defence) not punishable	23	LXXXIII	39

HOSPITALS.

— To be provided for Immigrants, [See COLONIAL.]	139	XLVIII	387, 8
--	-----	--------	--------

HOTEL-KEEPERS.

— To take out Licences for selling Rum and other Spirits	107	XXI, II	308, 9
— Provisions relating thereto	"	XXIII, IV	309

HOUSE OF ASSEMBLY.

— To decide all questions respecting Elections, the qualifications of Candidates and Electors, &c.	65	XXI	132
— Mode of proceeding by, in such cases	"	XXII	"
— Leave of absence for six months may be given to Members of	"	XXIII	"
— Seats in, vacated by absence without leave, or by accepting an office of profit under the Crown	"	ib.	"
— Duration of, limited to five years' proceedings at the	"	XXIV	133
— Bills passed by, may receive the Governor's assent after the close of a Session	67	I	140
— To consist of 19, instead of 25 Members, to be returned by the several Towns, Parishes, &c., in the proportions stated	78	II, IV	153
— Members of, may resign their seats	87	IV	179
— The number of Members required to form a House reduced from eleven to seven	103	I, II	280
— Government to appoint one Member of, to be the Organ of Communication with	105	I—III	303
For Election of Members of, Qualifications of Candidates and Voters, &c. [See ELECTIONS.]			

HOUSEBREAKING.

— Offence of	73	IX	146
— Going armed by night, with intent to commit, &c., punishable as a Misdemeanour	113	XXXI	340

HUCKSTERS.

— To take out Licences, under penalty	46	I	78
— Who to be deemed such	"	II	"
— Of meat prohibited in Kingstown, &c.	172	XI, XII	536
— In market of, to take out Licences	"	XIX	"

IMMIGRATION, AND IMMIGRANTS.

— Commissioners authorized to raise Loans for purposes of	135	I—III	376
— Penalties for forging Securities	"	IV	"
— Such Loans to be a charge on the Public Revenue, and paid to the Treasurer	"	V, VI	377
— Governor authorized to pay part of Salaries of Agents for Emigration and expenses incurred	139	I, II	379
— To fix places, and rates of Bounty for	"	III	380
— Rates payable to private Importers	"	IV	"
— Agent for, to be appointed by Governor	"	V	"
— Office and salary of such Agent	"	VI	"
— His Duties, and powers in respect of	"	VII—IX	380, 1
— Registers to be kept	"	X	381
— As to Location of Immigrants	"	XI, XXI, II	382, 3
— Provisions respecting African Immigrants	"	XVII—XIX	382
— When Chinese Immigrants subject to stoppages for advances	"	XX	"
— Duties and Liabilities of Managers and Employers	"	{ XXV—XXVI } [and XXXVI]	383, 4
— Penalties on misconduct of Immigrants	"	{ XXXII, III [and] XXXVI, VIII }	384

IMMIGRATION, AND IMMIGRANTS— <i>continued.</i>	No. of Act.	Clause	Page
— Hours of Labour	139	XXXV	385
— Certificates of Industrial Residence	"	XL—XLI	385, 6
— Desertion by	"	XLII	386
— Harbours and apprehension of	"	XLIII, IV	"
— Half-yearly Returns to be made	"	XLV, VI	387
— Registers of Births, &c.	"	XLVII	"
— Hospitals to be provided	"	XLVIII	388
— Instruction of Africans	"	XLIX	389
— Various Provisions respecting Back-passages, &c., of	"	L—LXI	388—90
— Salaries and Fines, how to be paid	"	LXIV, V	390
— Jurisdiction, and mode of Proceeding	"	LXVI, VIII	390, 1
— Governor to regulate proportion of Taxes	"	LXIX	391
— Repeal of Clauses in Act for, and substituting a fixed time, not exceeding three years, in Contracts for	147	I, III	405
— Provisions respecting Commutation for Service	"	IV, V	406, 7
— When a Contract may be declared void	"	VI	407
— The Law respecting Masters and Servants not to be affected by the Immigration Acts	"	VIII	"
— Coolies entitled to Back-passage after eight years' service	158	I	443
— To be classified according to age	"	II	"
— Rates of Wages to be allowed, &c.	"	III—VI	"
— Employers, with the Governor's sanction, may provide Coolies with food during their second and third years of service, in lieu of wages	174	I, II	540, 1
— The one-half of the Bounty or Passage Money charged on Employers reduced to one-fourth	176	I	542
— Scale of repayments to Employers on Immigrants failing to re-indent themselves, &c., reduced	"	ib.	"
— Contracts entered into in India and China between Immi- grants and Emigration Agents declared valid	"	II	"
— Formalities to be observed therein	"	III—VI	543
— As to Certificates of Allotment	"	VII, VIII	"
— Commutation of Service	"	IX	544
— Colonial Government to pay the expenses of Immigration of Liberated Africans	"	X	"
— Employers to repay Government one-fourth on allotment	"	XI	"
— Indentures to be no longer in triplicate; duplicate copies certified by Immigration Agent sufficing	"	XII	"

IMPORT DUTIES.

— Articles liable to, rates thereof, and articles exempted	166	II	463, 4
— To be collected by the Treasurer	"	III	464
— Returns of Cargoes to be made by Masters of Vessels	"	IV—VI	465
— Entries to be made by Importers, &c., and penalties for default	"	VII—XI	466, 7
— Warehousing goods subject to	"	XII—XXVI	467—9
— When to be returned on Exportation, &c.	"	XXI—IV	469
— Abatement of, on goods damaged	"	XXVIII	470
— Seizure of goods forfeited	"	XXIX	"
— Treasurer or Landing Officers may sue out a Writ of Assist- ance	"	XXX	"
— Penalty for resisting, &c., Officers, and proceedings thereon	"	XXXI—III	"
— Masters of Vessels, before clearing, to take out Certificate under Penalty	"	XXXIV	471
— How Fines and Penalties are to be recovered	"	XXXVI	"
— What Notices of Actions against Officers are required	"	XXXVII	"
— Landing-waiters to be appointed; their duties, salary, &c.	"	XLI—III	473
— Fourth Clause of Import Act, 1860, repealed, and in lieu thereof further provision made as to Shipmaster's Entry and Report of Cargo	188	I	554
— Importers, in addition to the requisitions of former Act, to produce Invoices, Bills of Parcels, &c., or copies thereof	"	II—III	585, 6
— Penalty for producing false Invoices, and Goods to be for- feited	"	IV	586
— Appraisers to value goods; how to be appointed, &c.	"	V, VI	"
— On disputes as to Weight or Measure, goods to be removed for the purpose of ascertaining it	"	VII	557
— As to opening Packages when contents unknown	"	VIII—X	"

IMPORT DUTIES— <i>continued.</i>	No. of Act.	Clause	Page
— Special Permits may be granted for landing goods out of Office Hours	188]	XI	558
— As to landing Passengers' Baggage	"	XIII	"
— Officers of Customs to have free access to Goods on board ship	"	XIV	"
— Boats, &c., unlawfully used for conveyance of Goods to be forfeited	"	XV	"
— May be seized on suspicion	"	XVII	559
— Goods forfeited to be dealt with under Act of 1860	"	XVI	"
— As to proceedings on claims to things seized	"	XIX—XX	"
— Machinery, &c., may be landed at Out-bays	"	XXI	560
— Supernumerary Officers of Customs may be appointed <i>pro tempore</i>	"	XXII	"
— Governor in Council authorized to remit penalties, &c.	"	XXIII	"
— Mode of proceeding before a Police Magistrate for Condemnation of Goods seized	"	XXIV	561
— Powers of former Act extended to this	"	XXV	"
— Officers acting shall be deemed to have authority without proof of appointment, and may be Witnesses in the case	"	XXVI	"
— In Actions for Seizure, if verdict is against Defendant, he shall not recover costs if Judge certifies that there was probable cause	"	XXVII	"
— All Actions against Officers, &c., must be brought within six months	"	XXIX	562
— Clause 48 of Act of 1860 repealed; and as to Division of Penalties paid	"	XXX	"
— Terms "Goods" and "Machinery" defined	"	XXXI	"
— One Landing-waiter only to be appointed, and the Clause of former Act in that respect repealed	"	XXXII	"

IMPOUNDING CATTLE, &c.

— Regulations and fees for, at Kingstown	34	XXVI	601
— Powers of Townwards respecting, at Calliaqua	51	I—IV	97
— — at Georgetown, &c.	55	XIV, XV	107
— Entire Horses, mules, and asses, straying, &c., on any highway, &c.	170	XIX	531

INCOME TAX.

— Rates of, chargeable on all above 50 <i>l.</i> per annum, exempting persons paying the Tax on Produce, or the Export Tax	156	I—IV	430
--	-----	------	-----

INCUMBERED ESTATES—[Act, 18 Vict.].

— Commissioners for carrying this Act into execution to be paid by fees	119	I	354
— Officers appointed	"	II	"
— How fees are to be authorized and payable	"	III, IV	"

INDICTMENTS.

— Not to be abated by Pleas of misnomer, &c.	23	VIII	29
— Not to be vitiated for defects, after Verdict or Judgment	"	IX, X	"
— When for stealing, counts for feloniously receiving may be added	79	III	154
— May be amended in certain cases	"	IV	"
— Provisions respecting, as regards various offences	113	IV—XXVI	336—40

INFANTS.

— To make Conveyances under Orders of Court	37	X	64
---	----	---	----

INFORMERS.

— Justices may order compensation from, on frivolous charges	101	IX	264
— May lessen share of, in fines or forfeitures	"	XX	"
— Punishment of, for threatening to become, to obtain money	104	XXXIV	300
— — of, for compounding Charges	"	XI	"

INHIBITION.

	No. of Act.	Clause	Page
— Bishop's power to issue, against a Beneficed Clerk	110	XIV	326
— Proceedings thereon	"	XV—XVIII	327, 8

INJURIES TO THE PERSON.

— By sundry Indictable offences	{ 23 LXXXI—XCVI 39—41 59 II—V 111 73 II—VI, XIX—XXI 147
— By Corrosive Fluids, &c., or Explosive Substances	" XXIV "
[See TITLES OF OFFENCES.]	

INJURIES TO PROPERTY.

— By Indictable Offences	23 XLI—LXXII 328
— In prosecutions for, unnecessary to prove malice against the Owner	73 II—XXXIII 145—147
— By offences punishable on Summary Convictions	104 VI—XXXIX 282—8
— Punishment for committing, in cases not specially provided for	" XXII 285
[See TITLES OF OFFENCES.]	

INQUISITION.

— By Coroner's Jury, provisions respecting	98 XXXVII—XL 240, 1
--	---------------------

INSOLVENT DEBTORS.

— Proceedings for discharge of, from prison, under the "Small Debts Act"	89 XXI—IV 186, 7
— To be allowed maintenance by Creditors while in prison	168 CXXV 507
— To petition the Court, &c.	" ib. "
— Hearing of Petition, &c.	" CXXVI "

INTEREST.

— Rate of, fixed at 6l. per cent.	6 I 10
— Contracts for a higher rate of, void	" ib. "
— Penalties on usurious bargains	" I, II 10, 11
— Limitations of Actions respecting	" III 11

JAMBOU RIVER.

— Lands bounded by, annexed to Charlotte Parish	4 III, IV 7, 8
---	----------------

JUDGMENTS.

— After verdict, in criminal cases, not to be stayed or reversed for technical defects	23 X 29
— Rules respecting in Civil Suits	168 XLIV—LII 486, 7

JURIES.

— How Grand and Petit, constituted and summoned, &c.	98 XIV—XX 232—4
— Coroners', provisions respecting	" XXXVII—XL 240, 1
— Cases in which, may find Verdicts other than on Charges laid in the Indictments	113 { IX—XIV 337, 8 and XXIX 341
— When they may inquire concerning former Convictions	" XXVI "
— Process and Verdicts of, in Civil Cases	168 ? XXXI—VII 483, 4

JURYMEN.

— Peremptory challenges of, beyond the number allowed by Law, void	23 XII 30
— Police Magistrates, Officers, Constables, and Clerk, exempted from serving as	96 XXXVI 214
— Allowances to, in Court of Grand Sessions	98 XX, XXI 234

JUSTICES OF THE PEACE.

	No. of Act.	Clause	Page
— Relieved from the performance of the duties imposed on Police Magistrates	96	LI	220
— Protected against Vexatious Actions	97	{ III—IX, and XII, &c. }	"
[See SUMMARY PROCEEDINGS.]			

JUVENILE OFFENDERS.

— How to be punished and treated	104	VIII	199
--	-----	------	-----

KING'S HILL.

— Appropriation and Inclosure of; and for preserving the Trees, &c., to attract rain	5	I	8, 9
— Boundaries and fences of	"	II, III	"
— Penalty for cutting Timber and underwood thereon	"	IV	10
— Part of, appropriated for erecting a School-house	28	I	45, 6
— Grant for rebuilding same as a School and Place of Worship	151	I, III	418

KINGSTOWN.

— Office for Registration of Deeds, established at	2	I	2
— Act for building a GAOL at	7	VIII	11
— A COURT-HOUSE there	8	VIII	12
— For purchasing a House for the GOVERNOR'S RESIDENCE at	10	—	13
— For Sale of part of Land adjoining Bentinck Place and the Slaves' Burial Ground	19	I, II	25, 6
— Boundaries of, defined	33	I	55
— Townwardens of, powers, &c. [See TOWNWARDENS.]	"	II, &c.	56
— FIREMEN to be enrolled for	34	XXII	60
— POUNDKEEPER of, his powers, duties and fees	"	XXVI	61
— STOCKS to be set up in Market-place of	"	XXVIII	"
— Grant for enlarging MARKET-HOUSE, and improving MARKET-PLACE in	62	I, V	123
— — for support of SCHOOL for the poor of	60	I	139, 40
— Further Grant for completing Market-house, &c.	72	I, III	143, 4
— To return Four MEMBERS to House of Assembly	78	III	153
— PEW-RENTS in church of, and appropriation thereof	86	IX—XI	176
— Pews therein appropriated to Governor, Members of the House of Assembly, and Garrison	"	XIV	177
— Certain Lots of Land at, vested in the Townwardens, and incorporated in the Town	111	I—III	332, 3
— SCHOOL at, to be visited by Education Board	140	VI	395, 6
— PUBLIC LANDING-PLACE to be erected in the Bay; Powers and duties of the Commissioners	146	—	404
— Appointment of such Commissioners repealed	163	I	457
— The Administrative Committee to exercise the Commissioner's powers	"	II—IV	"
— MARKET of; amended Provisions respecting [Act 31st December, 1860]	172	II—IV	"
— Former Acts repealed	"	I	534
— To be held in the Town; daily hours of	"	II, III	"
— Sunday markets and Sales of all Articles prohibited, with exceptions, under Penalty	"	IV	"
— Bounds of MARKET-PLACE defined	"	V	"
— Clerk of, to be appointed; his authority, duties, &c.	"	VI—VIII	535
— Slaughter-houses to be provided	"	IX	536
— Butchers to take out a Licence, under penalty	"	X	"
— Meat, Fish and Turtle, when to be sold	"	XI, XII	"
— Huckstering meat, &c., or exposing for sale in the streets, prohibited under penalty and forfeiture	"	XIII—XV	"
— Hucksters in the Market to take out a Licence	"	XIX	"
— Unwholesome Fish and Flesh to be destroyed	"	XVI	537
— Penalty for offering diseased meat for sale	"	XVII	"
— Townwardens to make Rules for regulating Market	"	XVIII	"
— Assize and price of Bread, how to be fixed	"	XIX	"

KINGSTOWN—continued.	No. of Act.	Clause	Page
— Clerk of the Market to weigh and examine Bread in Bakers' shops	172	XX	537
— All commodities to be sold by the Standard weights and measures	"	XXI	"
— Power of the Clerk of the Market respecting same	"	XXII	"
— He is to make returns monthly, of all animals brought to Market	"	XXIV	"
— Townwardens to fix Market Fees and Stallage Dues	"	XXIII	538
— To make half-yearly Returns to the Legislature	"	XXIV	"
— No games to be played in the Market-place, under penalty	"	XXVII	"
— Clerk of the Market neglecting his duties, to be fined or dismissed	"	XXVIII	"
— Licences of Butchers convicted of any Petty Offence to be forfeited	"	XXIX	"
— Application of fines and forfeitures ; half to Informer	"	XXX, I	539

LANDING-PLACE. [See KINGSTOWN.]

LANDING-WAITERS.

— Appointment of, and their duties	93	XXVII	197
— For Ports of Kingstown and Calliaqua	166	XLII, III	472, 3
— Additional, may be employed <i>pro tempore</i>	188	XXII	560

LARCENY.

— Distinction between "Grand" and "Petty" abolished	28	XXV	32
— Punishment of	"	XXVI	"
— Where Fraudulent Acts may be treated as [<i>and see FALSE PRETENCES</i>]	"	LIV	35
— Embezzlement by a Clerk, may be treated as	113	XIII	337
— Three charges of, may be included in the same Indictment	"	XVI	338
— Of Property attached to the Realty	106	XII	283
— Of Dogs, &c., not punishable at Common Law	"	XXVI	285

LAWS OF ST. VINCENT.

— Grant of 400 <i>l.</i> for compiling, printing, and publishing	141	I—III	356
--	-----	-------	-----

LAYOUT.

— Appointment of Townwardens for; their powers and duties, &c. [Act of 6th March, 1844.]	55	—	—
[See TOWNWARDENS.]			

LEASE FOR A YEAR.

— Not required in a conveyance of freeholds	85	II	172
---	----	----	-----

LEGISLATIVE ASSEMBLIES.

— Sessions of, to be held Quarterly at the times fixed	75	II	149
— To close on 31st December in every year	"	III	150
— Powers of Adjournment of, in whom vested	"	IV	"
— Government may call Extraordinary Meetings of, when occasion requires	"	V	"
— Bills pending may be resumed in their respective stages	"	VI	"

LICENCES.

— For Sale of Goods to be taken out by casual and non-resident Traders	166	XLIV	473
[See BOATS ; MARKETS ; SPIRITUOUS LIQUORS ; &c.]			

LIBERATED AFRICANS.

— Classification of	139	XVIII	382
— Contracts of Service with	"	XIX	"
— Education to be provided for	"	XLIX	389
— Cost of Introduction, how to be defrayed	176	X	544
— As to proportion thereof to be paid by Employers	"	XI	"

LIMITATION OF SUITS, &c.

	No. of Act.	Clause	Page
— No proceedings shall be taken for recovery of any Land or Rent, but within 20 years after the right has accrued . . .	84	II	165
— When the right shall be deemed to have accrued, as regards possession by the claimant, or those under whom he claims	"	III, IX	165, 7
— Mere Entry not to be deemed such possession	"	X	167
— Rights not to be preserved by continual claims	"	XI	"
— Possession of one Coparcener, not that of the others	"	XII	"
— Nor of a younger brother, that of the Heir	"	XIII	"
— An acknowledgment in writing equivalent to Possession . .	"	XIV	"
— Adverse possession at the time of passing the Act not to be barred until 5 years after	"	XV	"
— In cases of, under Disability, 10 years after its termination, in addition to the 20, to be allowed for prosecuting claims, and no further time	"	XVI—XVIII	168
— No proceedings to be taken after 40 years from the accrual of a right postponed by disability	"	XVII	"
— When rights in possession are barred, those of persons in remainder or reversion, and of Tenants-in-Tail, also barred	"	XVIII—XXIV	168, 9
— Equitable Titles to be governed by the rules applicable to Estates in Law	"	XXIII	169
— Except in cases of an express Trust	"	XXIV	"
— To run, in cases of Fraud, from the time of its discovery; and then saving the rights of <i>bonâ-fide</i> purchasers	"	XXV	"
— When Courts of Equity may afford relief	"	XXVI	"
— Mortgagors to be barred at the end of 20 years from the Mortgagors' first possession, or from the last written acknowledgment, &c.	"	XXVII, VIII	169, 70
— No Lands or Rents to be recovered by any Ecclesiastical or Eleemosynary Corporation but within two incumbencies, and six years of a third, so that the whole term does not exceed sixty years	"	XXIX	170
— Receipt of Rent declared to be Receipt of Profits	"	XXXI	"
— Real and mixed Actions abolished, saving existing rights .	"	XXXII, III	"
— Money chargeable on Land by Mortgage, &c., and Legacies, to be deemed satisfied at the end of 20 years, if no payment of interest or acknowledgment	"	XXXV	171
— Arrears of Dower, or of Rent or Interest, not to be recovered after six years	"	XXXVI, VII	"
— The Limitations applicable to the recovery of Legacies, &c., in the Spiritual Courts	"	XXXVIII	"
— Against Justices, Constable, &c., for Acts done in virtue of office must be brought within six months, with one month's notice	97	XII, XIII	227

LIVERY OF SEISIN.

— Not required for conveyance of Freeholds	85	II	172
--	----	----	-----

LUNATICS. [See CRIMINAL.]

MACHINE BREAKING.

— A Felony, punishable with transportation or imprisonment.	23	LXVII	38
---	----	-------	----

MACHINERY. [See IMPORT DUTIES.]

MAD DOGS.

— Provisions for security from	104	LIV	291
— Owners suffering to go at large, how punished	"	—	292

MAGISTRATES.

— Protected against Vexatious Actions	97	{ III—IX, and XII, &c. }	225—7
---	----	-----------------------------	-------

MAGISTRATES—continued.

	No. of Act.	Clause	Page
— Authorized to punish Contempts of Court by Fine and Imprisonment	104	xcv	301
— Salary Acts of 1853 and 1854 continued for five years	137	—	378
[See POLICE; STIPENDIARY.]			

MANSLAUGHTER.

— Duties of Coroner on Inquisition for	23	v	29
— Punishment of	"	LXXXII	39

MARKET. [See KINGSTOWN.]**MARRIAGE.**

— By Banns :—how to be published, and under what rules as to residence, &c.	40	i, ii	66, 7
— — Form of, when the Church Service is not used	"	ib.	"
— In case of minors, without consent of parents, &c., the Minister not responsible unless notice given	"	iii	"
— Publication void, after such notice has been given	"	ib.	"
— By LICENCE :—Place and Minister may be authorized	"	iv	"
— By SPECIAL LICENCE :—Privileges of	"	[ix]	68]
— By CIVIL OFFICERS APPOINTED BY GOVERNOR :—Rules respecting	"	v	67, 8
— Governor may authorize, on Petition, where reasonable consent withheld, &c.	"	vi	"
— After solemnization, residence of parties need not be proved in support of.	"	vii	"
— Breach of promise of,—actions for Damages on, or for Seduction, to lie as before	"	viii	"
— Celebration of, not to be enforced under contract, or for seduction	"	ib.	"
— To be solemnized with open doors, and between 8 and 12	"	ix	"
— Entries in Registers of	"	ib. and x, xii	70
— Provisions respecting same	"	xiv, xv	"
— Fees for	"	xi	"
— Of Slaves, &c., if by Christian Ministers during slavery, declared valid	"	xiii	71
— — If informal, may be legitimized by a fresh marriage and registry within one year from passing this Act	"	xvi	73
— As regards solemnization of, &c., all Christian Ministers liable to the same penalties as the Clergy	"	xviii	"
— Registers of, how to be kept, &c.	86	xv—xvii	177
— Fees of, by Licence and Banns	"	xxiii	178

MARRIED WOMEN.

— How Deeds must be executed by, to be valid	162	ii—iv	455
--	-----	-------	-----

MASTER IN CHANCERY.

— Office of, abolished	134	lix	266
----------------------------------	-----	-----	-----

MASTERS AND SERVANTS.

— Provisions in regard to Contracts between	30	vi—viii	41
— Immigration Act of 1857 not to supersede Act of 1834 respecting	147	viii	407

MERCHANT SEAMEN.

— Justices to adjudicate disputes respecting wages of	101	lviii	266
— Taking ship's stores from, in exchange, a Misdemeanour	104	xxxiv	287

MERGER.

— Not extinguished by provisions made for securing rents and covenants under a Lease	85	xii	173
--	----	-----	-----

MISDEMEANOUR.

	No. of Act.	Clause	Page
— Powers and duties of Justices on charges of	23	IV	28
— After undergoing punishment for, the offender admitted as a competent Witness	"	XXIII	31
— Abettors of, punishable as Principals	"	LXIV	37
— Proceedings in cases of Petty, before Justices of the Peace .	101	V—X	247, 8
— As to their jurisdiction in Offences committed on the High Seas	"	VI	"
— Classification of, as PETTY OFFENCES. [See the Title.] . . .	104	III—LVII	281—91

MISCARRIAGE.

— Punishment for attempting to cause	59	V	111
--	----	---	-----

MISNOMER.

— Plea of, not to abate the Indictment, &c.	23	VIII	29
---	----	------	----

MONTROSE ESTATE.

— Proprietors of, to grant a watercourse through, for supply of water to Colonial Hospital; and Trustees of Botanic Garden to grant, in return, right of Watercourse from their Reservoir	54	I	102
---	----	---	-----

MORTGAGEES.

— After 20 years' possession by, adverse Title barred	84	XXVII	169
— Personal Representatives of, may convey the Legal Estate vested in Heir or Devisee	85	IX	173

MUNITIONS OF WAR, &c.

— Exportation of, may be prohibited by Proclamation. [Note, applies to Military and Naval Stores, and Provisions or Victuals.]	178	I—IV	546, 7
--	-----	------	--------

MURDER.

— Duties of Coroner on Inquisitions for	23	IV	28, 9
— Punishment for, and Execution of Sentence	"	LXXVII, LXXX	39
— On Indictment for Child-, Jury may find "Concealment of Birth"	"	LXXXVII	40
— By administering Poison, or cutting or stabbing, a Capital Felony	59	II	111
— Attempts to, punishable with Transportation for life . . .	"	III	"
— Burglary, with assault with intent to, a Capital Felony .	73	XXI	147

NUISANCES.

— Certain Public, in the streets, &c., Townwardens of Kingstown to abate, and punishment for	34	XV—XX	59
— Declared Petty Misdemeanours	104	XLVIII—LVII	290—4

OBSCENE

— Prints, Books, &c.; punishment for sale, exhibition, &c., of .	"	XLVIII	290
— Conduct: Exposing the person, &c.	34	XVIII	59
— Conduct: Exposing the person, &c.	104	LVII, § 21	293
— Conduct: Exposing the person, &c.	"	CXXIV	297

OCCULT SCIENCES.

— Punishment for pretended practices of	104	IV	287
---	-----	----	-----

ORDINARY.

— Jurisdiction of, saved in "Ecclesiastical Jurisdiction" Act .	18	VI	25
— Governor, as Judge in Court of, may refer matters to the Vice-Chancellor, &c.	134	IX	375

ORDNANCE SERVICE.

	No of Act.	Clause	Page
— All Lands and Property belonging to, vested in the "Principal Officers" of	50	I, II	93, 4
— To devolve on their successors	"	III	94
— Powers of Sale of such Lands, &c., and provisions relating thereto	"	IV—XIV	95—7
— All such Lands, &c., vested in Commissioners for the Colonial Government	108	—	320
— Powers of Leasing granted	109	I	321
— Citadel and Fortifications of Fort Charlotte to be maintained, and signal guns, &c., fired	"	III	322
— Ordnance Stores to be used as Public Offices	"	IV	"
— — For confinement of the Rioters of 1862	182	I	549

OYER AND TERMINER.

— Governor may issue Commissions for holding Courts of, notwithstanding the establishment of that of Grand Sessions	98	VI	230
---	----	----	-----

PARDON.

— Effect of Royal, whether full or conditional	23	XX	31
— Crown may grant to a party imprisoned for payment of money due to another	"	XXI	"
— Governor may grant to Prisoners under conviction by Justices	101	XLVI	263
— Equivalent of, as regards Civil Rights, by undergoing the punishment for offences not Capital	"	XXII	"

PARSONAGE HOUSES.

— Parish of St. Patrick, land appropriated for	1	I	3
— — Of Charlotte, Act for erecting	21	III	29
— — Of St. George and St. Andrew, Kingstown, grant for purchase of	24	I	42
— As to repairs and dilapidations of, at Kingstown	122	IV	368

PERJURY.

— Conviction for, renders the offender an incompetent Witness	23	XXIII	31
— Indictments for, how to be framed	113	XX—XXII	339
— Courts and Justices may order prosecutions for	"	XX	338
— What evidence required to sustain charges of	"	XXII	339
— Punishment of	"	XXX	340

PERMITS.

— For Landing Goods, when and how to be granted	166	v, VI, VIII	465, 6
---	-----	-------------	--------

PERPETUAL CURATE.

— District and Chapelry of St. Paul to be held by, independent of Rectory of St. George and St. Andrew	114	I, II	343, 4
— Freehold of chapel and churchyard vested in	"	III	344
— Provisions as to enclosures and fees	"	IV, V	"
— Appointed, in lieu of a Rector, for the Living of Bequia and the Grenadines	127	—	364
— Stipend provided for, in the District and Chapelry of St. Paul	129	—	366

PERSON. [See INJURIES TO.]

PETIT TREASON.

— To be treated as Murder	23	LXXVII	38
-------------------------------------	----	--------	----

PETTY MISDEMEANOURS AND LARCENIES.

	No. of Act.	Clause	Page
[Under the Act of 22nd August, 1854, to classify and consolidate the Law respecting, where Justices of the Peace exercise Summary Jurisdiction.]			
— Practice of Palmistry, or FORTUNETELLING by use of Cards, &c., or thereby to discover stolen goods, or inflict or cure disease, &c.	104	IV, V	281, 2
— THEFTS or Larcenies not exceeding 5 <i>l</i> .	"	VI	282
— EMBEZZLEMENTS by Clerks or Servants	"	VII, VIII	"
— Obtaining Money on False PRETENCES	"	IX	"
— RECEIVERS of Stolen Goods	"	X—XII	283
— STEALING TREES, underwood, &c., or fences, or cutting down, &c., with intent to steal, &c.	"	XIII—XV	"
— — Fruit or growing crops, or picking, &c., with intent	"	XVI	"
— DESTROYING or damaging Trees, &c., of any value above 1 <i>s</i> .	"	XIX	"
— — Fruit or growing crops in value not exceeding 5 <i>l</i> .	"	XX	"
— — Fences, walls, or gates.	"	XXI	285
— — Or ripping or severing from the realty any metal, glass, woodwork, or fixture, with intent to steal (value not exceeding 5 <i>l</i> .)	"	XVII	284
— — Any property whatsoever, public or private, whether or not attached to the realty	"	XVIII	"
— DAMAGE or INJURY TO PROPERTY not specially provided against.	"	XXII	"
— — By artificers, servants, labourers, &c., to any goods, work, or materials committed to their care	"	XXIII	"
— Saving of Trespasses not wilful	"	XXIV	"
— Malice to owners of property need not be proved.	"	XXV	"
— STEALING, &c., Dogs, Beasts, or Birds, not the subjects of Larceny at Common Law, &c.	"	XXVII—IX	285
— Having Possession of goods suspected to be stolen.	"	XXX, XXXI	286
— Of shipwrecked goods, and other offences relating to ships, or their cargoes and seamen	"	XXXII—XL	287, 8
— Goods stolen or unlawfully deposited, may be ordered to be restored, or sold	"	XLI—IV	288, 9
— Search Warrants for same	"	XLV	289
— CRUELTY to ANIMALS	"	XLVI	290
— Using such without leave	"	XLVII	"
[NUISANCES.]			
— Selling OBSCENE Prints, &c., or using Obscene language	"	XLVIII	"
— Using Threatening or Abusive Words in public	"	XLIX	"
— FURIOUS RIDING or Driving	"	L, LI	"
— DRUNKENNESS, and Disorderly Conduct	"	LII	291
— Wanton Disturbance by night, in ringing door-bells, &c. [And see § 16 of Cl. LVII.]	"	LIII	"
— Suffering Mad Dogs to be at large. [And see § 3 of Cl. LVII.]	"	LIV	"
— Firing Guns, &c., near a dwelling-house	"	LV	"
— Having Guns loaded with ball aboard ship, or firing by night	"	LVI	"
— Sundry Petty Offences or Nuisances not specially provided against	"	LVII	291—4
[PLACES OF PUBLIC RESORT.]			
— Common Gaming-houses	"	LVIII—LX	294
— Licensed Dealers in Spirituous Liquors opening their Houses on Sundays, &c.; or supplying liquor to children to be drunk on the premises	"	LXI, II	294, 5
— Keeping Fighting-cocks, dogs, &c.	"	LXIII	295
— Keeping open Public Dancing-rooms after midnight	"	LXIV	"
— Keeping Wakes after 10 P.M. to the annoyance of neighbours, and not dispersing on request of a Constable	"	LXV	296
— Keeping Pigs in a Town.	"	LXVI	"
— Other provisions respecting Pigs	"	LXVII, LXXI	296, 7
[IDLE PERSONS AND VAGABONDS.]			
— Who may be treated as such	"	LXXI—VIII	297
— Constables:—Assaults on	"	LXXIX	"
— — Refusing assistance to	"	LXXX	298
— — Neglect of duty by	"	LXXXI	"

PETTY MISDEMEANOURS AND LARCENIES—continued.		No. of Act.	Clause	Page
— Constables :—Withdrawing from the Force	104	LXXXII	298	
Dealers in Spirits harbouring	"	LXXXIII	"	
[COMMON ASSAULTS.]				
— Proceedings on charges of	"	LXXXIV	"	
— Exceptional cases	"	LXXXV	"	
[PETTY TRESPASSES.]				
— By entering house, &c., and refusing to depart on request	"	LXXXVI	299	
— In reference to goods of no pecuniary value	"	LXXXVII	"	
[JUVENILE OFFENDERS.]				
— How to be punished and treated	"	LXXXVIII	299, 300	
[THREATENING OR COMPOUNDING CRIMINAL CHARGES.]				
— Obtaining money by means of	"	LXXXIX	"	
— By Informers	"	XC	"	
[Punishment of Abettors of any Offence]	"	XCI	"	
[GOODS ILLEGALLY DETAINED.]				
— May be recovered by Order of Justices	"	XCI	"	
— Artificers unlawfully detaining or disposing of	"	XCI	301	
— Amends for hurt or damage to persons or property, how recoverable	"	XCIV	"	
[CONTEMPT OF COURT.]				
— How punishable	"	XCV	11	
— Former Acts repealed	"	XCVI	302, 3	
[See also Local Acts, under KINGSTOWN, CALLIAQUA, GEORGETOWN, &c.; and TOWNWARDENS.]				
POISON.				
— Administering with intent to murder, a Capital Felony	59	II	111	
— Attempt to administer, &c., punishable with Transportation for Life.	"	III	"	
PETTY TRESPASSES.				
— How to be dealt with	104	LXXXVI, VII	299	
PEWS IN CHURCHES.				
— Letting and Rents of	86	VIII—X	176	
— How proceeds of Rents and Sales of, in Kingstown Church, are to be applied	"	XI	"	
— How in other Churches and Chapels	"	XII, XIII	177	
— Appropriation of, by Churchwardens and Committees of Management	86	XIV	"	
PIGS.				
— Not to be kept in Towns, under penalty; and provisions respecting	104	LXVI—LXXI	296, 7	
— May be killed [as also goats] by any owner or occupier of land, when trespassing; how the carcasses to be disposed of	148	XVIII	411	
PIRACY.				
— On Arraignment for, effect of Plea of "Not Guilty," or refusal to plead	23	XI	30	
PLACES OF PUBLIC RESORT.	104	—	294	
[See GAMING-HOUSES; DANCING-ROOMS, &c.]				
PLEAS.				
— Of Misnomer in Criminal Cases, not to abate Indictments	23	VIII	29	
— Of "Not Guilty," sufficient to put persons arraigned on Trial	"	XI	30	
— May be entered on refusal to plead	"	ib.	"	
— Of Attainder, no bar to an Indictment, unless for same offence	"	XIII	"	

POLICE FORCE.

	No. of Act.	Clause	Page
— Governor to appoint Superintendent ; his ^P powers and duties	96	XX—VI	212, 13
— Serjeants and Constables	"	XXVII	"
— To frame Rules for government of, &c.	"	XXIX—XXXI	214
— General powers and duties of Constables	"	XXXV—XLIII	214—16
— Same as regards smuggling	"	XLV	217
— Powers of Constables in charge of a Station	"	XLVI—VIII	218, 19
— Increase and Constitution of [Amendment Act]	152	III	419
— Stations of Inspector-General, Sergeants, &c.	"	IV	"
— To be trained to the use of Arms	"	V	"
— Term of service, and punishment for desertion, &c.	"	VI—VIII	420
— Penalty for illegal possession of Arms, &c., belonging to	"	IX	"
— For supplying liquors to Officers on duty	"	X	"
— Former Rules to remain in force, and Governor's authority in respect thereof	"	XII	421
— Medical attendance, &c., to be provided for	"	XIII	"
— Rate of pay for Officers and Constables of, increased	153	II, III	422
— Retiring pensions of	"	IV	"

POLICE MAGISTRATES.

— Salaries assigned to, in the several Districts	94	III	205
— Allowances for stationery and forms	"	IV	206
— in Kingstown District, for a Clerk and an office	"	V	"
— To be appointed by the Governor	96	III	208
— Jurisdiction of	"	IV, V	209
— Justices of the Peace to have joint jurisdiction with	"	3b.	"
— May take cognizance of Petty Offences committed on the High Seas, or within three miles of land	"	VII	"
— Oaths to be taken by	"	IX	"
— For Kingstown District to appoint a Clerk	"	X	210
— Hours of attendance at his Office	"	XI	"
— If a Barrister, not to practice in the Courts in cases arising out of his proceedings	"	XII	"
— Rules for Procedure by	"	XIII, XIV	211
— Accounts of Penalties to be kept, and Payments and Returns by	"	XV, XVI	"
— Governor may appoint a Bench of	"	XVII	"
— May make appointments to supply the places of, in certain cases	"	XVIII, XIX	211, 12
— Of Calliaqua and the Grenadines, allowances to, for keep of a horse, and for Transport	106	II	304
— On Medical Certificate, &c., may make sanitary orders for cleansing Houses, &c.; and enforce the same	96	XLIV	217
— Fees, Costs, and Compensations to be enforced by	"	XLIX—LII	219
— Districts of, defined, repealing clauses in the Police Act of 1853	138	I, II	378
— Days and hours of sitting, and Residence of	"	III	379
— To act as Coroners in their respective districts	"	IV	"
— To perform the duties theretofore exercised by Stipendiary Magistrates	144	I, II	402
— Consequent increase of Stipends	"	VII	403

POLICE STATIONS.

— Purchase of land for, in the Windward Division [including Charlotte Parish]	26	IV	43
— Confinement of prisoners at, in Barroualie legalized	29	II	46
— Land and Buildings at Barroualie vested in the Crown for Police uses of the Leeward Division, including parishes of St. Patrick and St. David, and part of St. Andrew	"	II, III	"
— Confinement of prisoners therein legalized	"	III	"

POSSESSION—[RECOVERY OF].

— May be given, summarily, under a Justices' Warrant, to Landlord of a tenement, not exceeding 20l. a year rent, where term is expired, and Tenant refuses to quit	81	I	51
— Mode of proceeding to recover	"	II	"
— Process may be stayed, and actions of Trespass brought against Landlord, if not entitled to	"	III—VI	52, 3

POSSESSION—[ADVERSE] [See LIMITATION OF SUITS.]	No. of Act.	Clause	Page
POSTAGE.			
— Regulations and Rates of	165	IX—XVI	461, 2
POSTMASTER—[COLONIAL].			
— Appointment of	"	I	458
— Authority and duties of	"	II—VIII	458—461
POUNDS.			
— Regulations respecting, at Kingstown	34	XXVI, VII	60, 1
— — at Calliaqua	51	I—III	97, 8
— — at Georgetown, &c.	55	XIV, XV	107
— Entire Horses, Mules and Asses, straying, &c., to be im- pounded in any, &c.	170	XIX	531
PRACTITIONERS.			
— In Supreme Court, how to be admitted and qualified	168	XI	478
PRISONS.			
— Board of Directors appointed for management of the Public Gaol of the Island	118	I—III	348, 9
— Dietary, &c., to be regulated by the Board	"	IV—VI	349
— How the Gaol expenses and repairs of the Prison are to be provided for	"	VII, VIII	"
— Visiting Justices to adjudicate on Complaints	"	IX	350
— How Prisoners are to be employed, &c.	"	X—XIX	351, 2
— Governor in Council to frame Rules for enforcing discipline of	"	XX	353
— Powers of Prison Directors vested in the Administrative Committees. [See GAOL and PROVOST MARSHAL.]	164	I	458
PROSTITUTES.			
— How to be punished	104	LVII, § 10	292
PROVISIONS.			
— Governor may prohibit export of [when Contraband of War]	178	I—IV	546, 7
PROVOST-MARSHAL.			
— To enter into a Recognizance and find sureties in sums reduced from former provisions	53	I	101
— To be Returning Officer for Elections of Members of the House of Assembly	63	IV	124
— Duties of, therein	"	IV, V	124, 5
— To be Chief Executive Officer of Court of Grand Sessions	98	VII	230
— Authority of, to arrest for Fines	"	XXXIV	239
— — To levy for Forfeited Recognizances	101	LV	265
— Appointed a Member of the Board of Prison Directors	118	I	349
— Required to execute Contracts for Prison necessities	"	VI	"
— To have the control of the Gaoler and other Officers	123	V	361
— May require security from Gaoler	"	VI	"
— Salary of, reduced	124	I	362
— Appointed Marshal of the Court of Appeal	142	V	397
— Duties of, as an Officer of the Supreme Court	168	IX, X	478
— To summon Juries, making lists of qualified persons	"	XXXI, III	"
— To levy on Executions; and Proceedings thereunder	"	LVI—CV	488—503
PUBLIC OFFICERS.			
— Salaries of, made payable monthly	157	I—III	442
— May give security by means of the Guarantee Society in London, &c.	179	I—III	548

QUARANTINE.

	No. of Act.	Clause	Page
— Former Laws respecting, repealed	102	I	267
— Governor to appoint Officers of, for the Districts on the Coast specified	"	II—IV	268
— Mode of proceeding with respect to vessels liable to	"	V—XII	272
— Governor to make Special Orders upon unforeseen emergencies	"	XIII	"
— During the enforcement of, the Quarantine Officers to require from all vessels arriving certain particulars	"	XIV	"
— Duties and liabilities of Masters of vessels in cases of	"	XIV—XVIII	274
— Of persons on board and others	"	XIX—XXIII	274, 5
— As to Goods under	"	XXIV, V	275
— Governor in Council to make Rules respecting	"	XXVI—VIII	276
— Commissioners of, how constituted, and with what powers	"	XXIX, XXX	276, 7
— Forfeitures and Penalties to be recovered summarily	"	XXXI	277
— Health Officer to be appointed; his powers and duties during the enforcement of	"	XXXII—V	277, 8
— Master of Vessel's answers to inquiries to be received as evidence of liability to	"	XXXVII	278
— General Issue may be pleaded in Actions respecting	"	XXXVIII	279

QUARRIES.

— Provision for opening, for repairs of Highways	160	XV	448
--	-----	----	-----

QUARTERLY MEETINGS.

— Of the Legislative Bodies fixed	75	II	149
---	----	----	-----

RAPE.

— What is necessary to constitute	23	XCII	40
— Punishment of Death for committing, changed to Transportation for Life	59	VI	111

REAL ESTATE.

— The Acts of 1 and 3 & 4 Wm. IV., for facilitating the payment of Debts out of, extended to St. Vincent's	37	I	62
— Testamentary dispositions of, to defraud Specialty Creditors, void	"	II	63
— Such creditors may recover against devisees and heirs of	"	III, IV	"
— Dispositions of, for payment of just debts or portions under Marriage Settlements excepted	37	V	"
— Procedure by creditors against heirs-at-law and devisees, &c., in respect of	"	VI, XI	64
— To be assets in all cases for payment of Simple Contract, as well as Specialty debts	"	XII	65

RECOGNIZANCES.

— Justices empowered to take, on prosecutions for Misdemeanours	23	IV	29
— Constables may take, in certain cases	96	XXXIX, XLII	215, 16
— When to be taken, and forfeiture thereof	101	{ XXVI—IX and XXXVI	254, 6 259
— How to be enforced	"	LIV, V	265
— To be taken on Appeals from Summary Convictions	133	II—IV	370, 1
— Provost-Marshal to take for proceeds of Sales under Executions	168	LXXXIII, IV	495

[See WITNESSES.]

REGISTERS—[OF BAPTISMS, MARRIAGES, AND BURIALS].

— That kept by the Rector of St. George and St. Andrew, declared a Public Record	14	I	17
— Entries of, to be copied in Two Books; one in the Rector's custody, the other in the Registrar's Office	"	II	"
— Certificates from, to be evidence	"	II	18
— To be kept in each Parish	86	XV	177
— Copies from, to be good evidence	"	XVI	"
— To be recorded in the Registrar's Office	"	XVII	"
— Rectors, Sextons, and Clerk's Fees on	"	XXIII	178

REGISTRAR OF COURT OF CHANCERY.

	No. of Act.	Clause	Page
— Securities to be given by, reduced, and provisions respecting same altered	68	I—VI	140, 1

REGISTRAR OF DEEDS, &c.

— Office to be filled by the Secretary and Enroller of Deeds under Royal Patent	2	I	2
— Appointment of, invalid till recorded	"	II	"
— Penalty for acting before, or if unqualified	"	IX	"
— May appoint a Deputy	"	III	"
— Answerable for Deputy's defaults	"	V	"
— To be sworn, and to give security	"	VI	"
— Remedy against, by persons aggrieved	"	zb.	"
— Liability of, to Treble Damages	"	VII	3
— To make searches and give Certificates, under a penalty	"	XI	"
— Governor may appoint an Acting Officer in absence of Principal or his Deputy	9	I	12, 13
— Securities of, reduced, and provisions relating thereto altered	68	I—VI	140, 1
— May provide same in England	179	I	548

REGISTRATION.

[OF DEEDS, &c.]			
— Act establishing Office for, at Kingstown	2	I	4
— Times allowed for	"	XII	"
— Deeds may be acknowledged by Attorney, for	"	XIII	"
— Without, Conveyances, &c., not pleadable	"	XIV	5
— Priority of entering for	"	XVI	"
— Certified copies from, to be evidence	"	XIX	"
— Required of Deeds made before the Act, and not recorded in the Secretary's office	"	XX	6
— Without (after 6 months) Conveyances, &c., made before the Act, to be void against subsequent purchasers	"	XXI	"
— Record of, equivalent to Livery and Seisin	"	XXIII	"
— When made, certified copies of Deeds, &c., to be admitted in Evidence	"	XXIV	7
— Fees of. [Clause repealed; and see No. 80.]	"	[XXV]	"
— Office Hours for, altered	80	I	155
— Of Powers of Attorney for Acknowledgment of Deeds	"	III, VI	156
— Fees to be paid for	"	VIII	"
[OF IMMIGRANTS.]			
— By Immigration Agent, with Entries of Births, Deaths, &c.	139	X, XLVII	381, 7
[OF VOTERS AT ELECTIONS.]			
— Certificates of, to be produced to the Returning Officer	63	XIV	129

RIOTOUS ASSEMBLIES.

— What constitutes	61	I	121
— To disperse on Proclamation	"	II	"
— Powers of Justices, Peace Officers, &c., respecting	"	III	122
— Punishment of members of, &c.	"	I, IV, V	"
— Demolishing, &c., Churches and Chapels, or Houses, &c.	113	XLIV	342

RIOTS OF 1862.

— Fort Charlotte, and the Ordnance Buildings at Kingstown, declared legal places of confinement for prisoners engaged in	182	I	549, 50
— Appropriation of 2,000 <i>l.</i> towards defraying expenses incurred during the existence of Martial Law for suppressing	"	II	550
— This not to be applied in satisfaction of damages, or of claims for carts, &c., pressed into the Public Service	"	zb.	"
— The amount to be borrowed from the Immigration fund	"	III	"
— The Lieutenant-Governor's Proclamation of Martial Law during, ratified	184	I	551
— All persons whatever engaged in suppressing, indemnified for their acts in killing or maiming, arresting, imprisoning, &c.	"	II	"

Riots of 1862— <i>continued.</i>	No. of Act.	Clause	Page
— The Lieutenant-Governor's Certificates to be sufficient evidence of such acting	184	III	532
— No persons liable to Civil Proceedings for having pressed or used horses, carts, forage, &c., for the Public Service	"	IV	"
— If Habeas Corpus be issued by any prisoners concerned in the Insurrection, it shall be a sufficient Return that such persons are confined under the Governor's authority	"	V	"
— All legal claims, &c., stopped by the Proclamation of Martial Law may be prosecuted within seven days after the publication of the Act	"	VI	"
— Saves Her Majesty's Prerogative	"	VII	"
— All persons sued, &c., and protected by this Act, may plead the General Issue	"	VIII	"
— First, second, and third Clauses of the Indemnity Act, 1862, repealed	189	I	563
— In lieu thereof, Enacted that the Lieutenant-Governor, and all persons acting under his orders, &c., shall be indemnified against all actions, prosecutions, &c., for all matters and things done under such orders during the existence of Martial Law; such acts having been done <i>bonâ fide</i> , &c.	"	II	"

ROBBERY.

— With stabbing or cutting	73	II	145
— Attended with violence	"	III	"
— From the Person	"	V	"
— Assault with intent to commit	"	VI	"
— On Indictment for, Jury may convict of Assault with intent to commit	113	XI	337

ROMAN CATHOLICS.

— Relief of, by the Imperial Act of 10 Wm. III., extended to these Islands	22	I	27
— Disabilities of, imposed by Local Acts, repealed	"	II	"

RUM ACTS.

[24th December, 1853; 10th April, 1862]	{ 93
	{ 177
[See SPIRITUOUS LIQUORS.]	

ST. GEORGE AND ST. ANDREW.

— Waywardens of, to preserve fences of King's Hill	2	I	7
— Exchange of Glebe-land of, with Rector and his successors, for a yearly Stipend	26	III	19, 20
— The land to be appropriated for enlarging the Burial Ground	"	IV	21
— Rector of; his Stipend to be payable quarterly, clear of taxes	"	V	"
— Curate of St. Andrew's provided with a Stipend	64	II	138
— District and Chapelry of St. Paul separated from Rectory of	114	I—III	344, 5
— Provision of Stipend for present Rector of	115	I, II	345
— Rector of, to be Chaplain of Kingstown Gaol	"	III	"
— Stipend provided for future Rectors of, performing the duties of Chaplain to the Gaol	122	I, II	359, 60
— Parsonage House at Kingstown to be the residence of the Rectors, without any claims for repairs or dilapidations	"	IV	360

ST. DAVID'S.

— Charaib lands forfeited, annexed to Parish of	11	III	14
— Included in Police Establishment for Leeward Division	29	I—III	46
— Salary provided for Curate of	36	—	62
— Allowance for Curate's House-rent	92	I	190

ST. PATRICK AND ST. DAVID'S.

— Lands appropriated for building a Parsonage House in	1	I	3
— Included in the Police Establishment of the Leeward Division	29	I—III	46

ST. PATRICK AND ST. DAVID'S— <i>continued.</i>		No. of Act.	Clause	Page
— Salary provided for Curate of	86	—		62
— Land in Barrouallie, appropriated for building a Church, vested in Rector of	41	I		73
— Compensation to Rector, in lieu of Baptismal and Burial Fees	86	XVIII		178
— Provisions respecting Stipend of future Rectors	125	I		362
— Allowance for House-rent to be abolished	"	II		363

ST. PAUL.

— District and Chapelry of, separated from Rectory of St. George and St. Andrew	114	I, II		343, 4
— Freehold of Chapel and Churchyard of, vested in Perpetual Curate	"	III		344
— Burial Places, Fees, and Rights	"	IV		"
— Grant of Stipend to the Curate	129	I, II		366

SANATORY PROVISIONS.

— Magistrate may make Orders respecting, in certain cases	96	XLIV		217
— Townwardens authorized to make	{ 31 55 172	XVI, XVII XVII IX, XVI, XVII		59 108 536, 7
— Regulations and Penalties in respect of certain	104	LVII, § 22		293

SCHOOLS.

— Grant, annually, for the education of the children of the Poor at, in Kingstown.	66	I		139, 40
— Surplus of Pew-rents may be applied in support of	86	XIII		177

SCIRE FACIAS.

— Writs of, when to be issued, and how to be served	168	XVII, XVIII		479, 80
---	-----	-------------	--	---------

SEARCH WARRANTS.

— May be granted by a Justice for stolen goods	104	XLV		289
--	-----	-----	--	-----

SERVICE. [See CONTRACTS OF ; MASTERS AND SERVANTS.]

SET-OFF.

— When to be allowed	168	CXX		506
--------------------------------	-----	-----	--	-----

"SHEPHERD'S ACT."

— Certain provisions of, repealed	101	LIX		266
---	-----	-----	--	-----

SHIPS.

— Maliciously Damaging, otherwise than by fire, Felony	23	LXX		38
— Stealing Goods from, in any port, now punishable	73	XII		140
— Penalty for exhibiting false Lights or Signals to	"	XVII		147
— For cutting ropes or rigging of	104	XXXV		287
— For sinking cargo, &c., of, to defraud the Revenue	"	XXXVI		"

SHIPWRECK. [See WRECKS.]

SHOOTING.

— With intent to murder, Punishment for	59	II		111
— Within 300 yards of any Dwelling-house	104	LV		291
— Wantonly in any Street, &c.	"	LVII, § 12		"
— On, or within 500 yards of, any Highway	"	"		292

SMALL DEBTS.

— Act for more easy and speedy Recovery of	89	—		182
— May be recovered, if not exceeding 5 <i>l.</i> , by Summary Proceeding before Police Magistrate of District	"	I		"

SMALL DEBTS—continued.

	No. of Act.	Clause	Page
— Mode of Procedure for, by Summons or Complaint; Service thereof; the Hearing; Judgment; Order and Execution . . .	89	II	182, 8
— How to proceed for, against parties about to quit the Island . . .	"	ib.	183
— If Defendant, on proceeding for recovery of, has no goods whereon to levy, he may be imprisoned for not exceeding thirty days . . .	"	III and XII	183—5
— In such case the Prisoner to be supported in Gaol at the Public expense . . .	"	XIV	"
— Record of proceedings for, to be kept by the Police Magistrate . . .	"	IV	"
— Costs in a Complaint for Recovery of, to be paid by Complainant, if dismissed, and recovered by Warrant of Imprisonment . . .	"	V	184
— Summonses, service of, on, and allowances to, Witnesses . .	"	VI, VII	"
— False Swearing in such proceedings to incur the penalties of Perjury . . .	"	VIII	"
— Provisions for Recovery of, not to extend to questions of Title to Freeholds or Leaseholds for years; to Special Debts; or Estates of Deceased Parties, or to Testamentary or other cases under the jurisdiction of Ecclesiastical Courts . . .	"	IX	"
— — Nor to the balance of an account which ever exceeded 20 <i>l</i> . . .	"	ib.	185
— Rent not exceeding 5 <i>l</i> . may be recovered under the Act, or by Distress . . .	"	X	"
— In proceedings for, Special Pleas allowed . . .	"	XI	"
— Special Constables for the purposes of, how to be appointed; their authority and recognizances . . .	"	XVII—XX	186
— Where no Police Magistrate, Governor to make a Special appointment . . .	"	XXV	187
— Petty cases of, to be heard at Sittings held once a fortnight . .	"	XXVI	"
— Fees payable on proceedings for Recovery of . . .	"	XXVII	187, 8
— [Discharge of prisoners committed for nonpayment of: <i>see</i> INSOLVENT DEBTORS.]			

SMUGGLING.

— Any Constable may detain goods liable to forfeiture or suspected of . . .	96	XLV	217
---	----	-----	-----

SOLITARY CONFINEMENT.

— May be inflicted in all cases of Imprisonment under "Criminal Justice" Act . . .	23	XCIX	41
— Of Prisoners, may be ordered by Court of Grand Sessions . .	73	XXVIII	148

SPECIAL CONSTABLES.

— How to be appointed for the purposes of "Small Debts Act" . . .	89	XVII	186
— Their authority . . .	39	XVIII	186
— To enter into recognizances . . .	"	XX	"
— Appointment of, in case of Riots, &c. . .	98	XLI	241
— To have the same powers, &c., as other Constables . . .	"	XLII	"
— Police Constables to be appointed and employed in execution of the Act in lieu of Special, &c. . .	121	I—XV	357, 8
— — With the same powers and immunities, and under the same responsibilities . . .	"	VI—VIII	358
— Persons sworn in as, to be paid not exceeding 4 <i>s</i> . per day while on duty . . .	171	I, II	533

SPIRITUOUS LIQUORS.

— Duty of 1 <i>s</i> . per gallon imposed on, when made, sold, or consumed in St. Vincent from 1st January, 1854 . . .	93	VII	191
— Returns to be made of Stock on hand . . .	"	VIII	"
— Licences for distilling, to be taken under penalty . . .	"	IX	192

STEAM VESSELS.

	No. of Act.	Clause	Page
— Employed in carrying mails, exempted from Tonnage Duties and Fees	39	I	65
— Coals imported for, also exempt	"	II	66
— Regulations respecting anchorage and cargoes	"	III	"

STILLS.

— Licences to be taken out for	93	IX—XII	192
— Regulations respecting	"	XIII, &c.	"

[See SPIRITUOUS LIQUORS.]

STIPENDIARY MAGISTRATES.

— To have exclusive jurisdiction respecting Apprenticeships	30	XVIII	49
— Also for enforcing contracts of Service	"	XIX	"
— Powers and Duties of, respecting, and on breaches of, Contracts	"	XX—XXIV	"
— May act as Arbitrators in cases of disputes between Masters and Servants	"	XXV	"
— Governor may suspend	"	XXVI	"
— Districts to be assigned to	"	XXVII	"
— To meet in Petty Sessions	"	XXVIII	"
— To exercise Summary Jurisdiction in cases of unauthorized occupation of Crown Lands	44	I—VI	75, 6
— Mode of Procedure by, in such cases	"	III, IV—VII	"
— Duties theretofore performed by, to be performed by Police Magistrates	144	I, II	402
— The fees to be the same as in Police Courts	"	V	"

STOCKS.

— The, in Kingstown Market-place; certain offenders may be imprisoned in, for six hours	34	XXVIII	61
---	----	--------	----

STOLEN PROPERTY.

— Receivers of, may be tried either as Accessories or Principals, when the taking was felonious	23	LV	36
— Where a Misdemeanour, Receivers shall be tried on that charge	"	LVI	"
— Owners of, prosecuting to conviction, to have their property restored	"	LVII	"
— Taking a reward for recovery of, without bringing offender to trial; a Felony	"	LVIII	"
— Advertising a reward for recovery of, penalty 50 <i>l</i>	"	LXIX	36, 7
— Counts for Feloniously Receiving, may be added to Indictments for stealing, and the Jury may find a verdict of Guilty thereon	79	III	154
— Punishment for having in possession	104	XXXI, II	286
— When unlawfully deposited, how to be dealt with	"	XLI—V	288, 9

STRAY CATTLE. [See TRESPASS BY.]

SUBORNATION OF PERJURY.

— As to forms of Indictments for	113	XXI, II	339
--	-----	---------	-----

SUMMARY PROCEDURE.

— Mode of, before Justices of the Peace, as regards Jurisdiction, laying Informations or Complaints, Summonses, Warrants, &c.	101	V—XVIII	247—51
— As regards Witnesses	"	XIX—XXIV	251—3
— As regards the Hearing of a Complaint or Information	"	XXV—XXX	253—6
— As to the Forms of Convictions, &c.	"	XXXI	256
— As to Costs	"	XXXII	257
— The presence of Two Justices required, except when otherwise provided	"	XXXIII	"

4 H

SUMMARY PROCEDURE—continued.

	No. of Act.	Clause	Page
— Subsequent to the Hearing, as regards Imprisonment, Fines, &c.	101	XXXIV—VII	257—80
— Justices may adapt mode of, to other cases	"	XXXVIII	"
— In cases of, One Justice may issue summonses, warrants, &c.	"	XXXIX	261
— Sundry provisions as to payment of Penalties, &c.	"	XL—VIII	261, 3
— Governor may frame Forms for	"	XLIX	263
— In course of, Justices may order compensation or amends for frivolous Complaints, &c.; and may mitigate penalties	"	LI—III	264, 5
— How forfeited Recognizances are to be enforced	"	LIV, V	265
— Fees payable in	"	LVI, VII	266
— In cases of wages claimed as due by Merchant-Seamen	"	LVIII	"
— Powers of, extended to Petty Offences and Misdemeanours, if Complaints made within three months	170	I, II	528
— As to noisy or disorderly assemblies in the Public Streets, &c., or in or about Retail Liquor Shops	"	III—V	"
— Irreverence or Indecent conduct in Church, Chapel, or Cemetery	"	VI	"
— As to offences committed by Drivers of Carts, &c., on the Public Highways or Roads	"	VII—XVII	528—30
— Proceedings to be taken when Driver's name is unknown	"	XVIII	530
— Penalty on Owners of Entire Horses, &c., found straying on the Highways	"	XIX	531
— Penalty for shooting within 100 yards of a Public Road	"	XXI	532
— For placing rubbish or laying timber or stones on Highways, &c.	"	XXII, III	"
— All Constables to carry out provisions of the Act, and may enter yards, &c.	"	XXIV	"
— Persons apprehended, refusing to give their names to be conveyed to Gaol	"	XXV	"
— Informers may receive half the penalties, and are competent Witnesses	"	XXVI	"

SUPREME COURT OF JUDICATURE.

— For establishing, under provisions of Act 6 Will. IV. and a Royal Charter	27	I	44, 5
---	----	---	-------

THEFT.

— Punishment of	104	VI	282
— For Damage to Property, with intent to commit	"	XVIII	284
[See LARCENY; STEALING.]			

THREATS.

— Of accusation of Unnatural Crimes, with intent to extort, &c.	73	IV	145
— On demand of property, with intent to steal	"	VII	"
— Use of, in Public, a Misdemeanour	104	XLIX	290

THREATENING LETTERS.

— To extort money, &c.; or by accusations of any crime punishable with Death or Transportation; or of Rape, or an Infamous Crime; a Felony punishable with Transportation or Imprisonment, &c.	23	XXXIX	32
--	----	-------	----

TONNAGE DUES.

— Substituted for Customs	76	II	151
— The additional 4d. per Ton, under Act of 1854, continued	130	III	366
— How balance of former, to be applied	"	II	367
— To be levied and enforced as under former Act	"	III	"
— Continued from 23rd June, 1862, to 23rd December, 1863	181	I	549

TOWNWARDENS.

— Of Kingsdown. [Act of 8th April, 1840.]	34	—	55
— How to be elected	"	II, IV, V	56
— Qualifications of, and of Electors	"	III—VI	"

TOWNWARDENS— <i>continued.</i>	No. of Act.	Clause	Page
— To be <i>ex officio</i> Justices of the Peace	34	VII	57
— Meetings of	"	VIII	"
— Powers of, to assess and levy rates	"	IX, X	"
— How they are to apply rates	"	XI	57, 8
— How to account	"	[XIII, XIV]	58]
— To repair the Highways	"	XII	"
— Powers of, in regulating the building of houses	"	XIV	"
— — in removing encroachments	"	XV	59
— — in abating and preventing Nuisances	"	XVI—XX	"
— — as regards Fires and Firemen	"	XXI—III	60
— — as to Drainage and Water-Supply	"	XXIV, V	"
— How penalties to be enforced	"	XXXI	61
— Authorized to grant building leases of certain vacant lots of land	45	—	77
— Number of, to be elected annually, reduced to Three	159	I, II	444
— Provisions respecting, on default of an Election	161	I—IV	454
— Justices empowered to execute powers of, until Election, &c.	167	I—V	474, 5
— Of CALLIAQUA. [Act of 17th August, 1843.]	47	—	78
— Appointment of, &c.	"	I	"
— Powers and duties of, as to Assessments, new buildings, encroachments, nuisances, &c.	"	II—VI	79—81
— To set up Boundary Stones	"	VII	81
— To apprehend idle and disorderly persons	"	VIII	"
— To appoint a Poundkeeper, and provisions relating thereto	51	I—IV	97, 8
— Of GEORGETOWN, LAYOU, BARBOUALLIE, AND CHATEAU-BELLAIR. [Act of 6th March 1844.]	55	—	103
— To be appointed by Justices for the several Towns	"	II	"
— Penalty for not serving	"	III	"
— Powers and Duties of, as to Assessments and collecting Taxes, buildings, encroachments, nuisances, &c.	"	{ IV—XIII } XIV, XV	106, 7
— To appoint a Poundkeeper, &c.	"	"	"
— To mark Boundaries of Towns	"	XVI	"
— To apprehend idle and disorderly persons	"	XVII	"
— May order removal of animal matter, &c.	"	XVIII	108
— To inflict Penalties for indecent bathing	"	XIX	"

TRAVERSING

— Indictments, Provisions respecting	113	XXVI	340
--	-----	------	-----

TREASON.

— On trials for, peremptory challenges of Jurymen limited	23	XII	80
— — Jury not to inquire concerning Offender's Lands, &c.	"	XIV	"

TREASURER—[COLONIAL].

— Former Acts relating to, repealed	52	I	98
— To be appointed by Her Majesty, and sworn	"	II	"
— Securities to be given by	"	III	99
— Hours of business—Office at Kingstown	"	V	"
— Books of Accounts to be kept by	"	VI, VII	"
— Moneys to be lodged by, in Chartered Bank, and paid on Governor's Warrants	"	VIII	"
— Quarterly Reports by	"	IX	100
— Rendered capable of sitting in Assembly, but cannot be a Member of the Committee of Public Accounts	"	XII	"
— His Salary; with allowance for Stationery, &c.	"	XIII	"
— Mode of his giving security extended to its being effected in England	65	I	138
— By whom, in such case, sureties of, to be approved	"	II	"
— Governor may provisionally appoint, in case of absence, recognizances being given	"	III, IV	"
— May himself appoint a Deputy, while resident	"	V	139
— Obligations of such Deputy, &c.	"	V—VII	"

TREES.		No. of Act.	Clause	Page
— Penalty for cutting down, on Kingston Hill	5	IV	9	
— No person, except freeholders, &c., to cut down on any lands within the Government, under penalty	60	II	112,	
— Leave to cut on Crown Lands, for making Charcoal, may be granted by Government	"	XXII	119	
— Punishment for cutting, with intent to steal	104	XIV	283	
— For possession of any, without satisfactory accounting	"	XV	"	
— For destroying, of value above 1s.	"	XIX	"	
— Overhanging the High-road, how to be removed	160	XVII	448	

TRESPASSES.			
— If Petty, how punishable where no special damage is done .	104	LXXXVI	299
— — On Goods, of no pecuniary value „	„	LXXXVII	„

TRESPASS BY CATTLE.				
— Owners or occupiers of land may impound, on	148	III	408	
— Such persons, and also Police Officers, &c., may impound Stray Cattle, and how they are to be dealt with	"	IV	"	
— Proceedings, if the owner of the Stock be unknown	"	VI—VIII	409	
— Rates of compensation for damage done, &c.	"	IX	"	
— How stock impounded to be dealt with, and mode of Sale thereof.	"	X—XVI	410, 11	
— If rescued, treble damage to be paid	"	XVI	411	
— Glandered cattle, &c., to be destroyed	"	XVII	"	
— Pigs or Goats trespassing, may be killed; and how the bodies to be disposed of	"	XVIII	"	
— Penalties on owner, if stock not taken and impounded	"	XIX	412	
— Pounds legalized	"	XXIII	"	

TRUSTEES.						
— Empowered to give valid Receipts	.	.	.	85	x	173

TYRELL'S BAY. [See CALLIAQUA.]

UNNATURAL OFFENCES. [See BUGGERY.]

USURY. [See INTEREST.]

VAGABONDS. VAGRANTS.			
— Description of, and how to be dealt with	104	LXXII, III	297

VEGETABLES.			
— Punishment for stealing, &c., when growing	xvi	283
— — for destroying	xx	284

VENEZUELA.				
— Offenders charged with certain crimes to be apprehended, and delivered to the Authorities of, under a Treaty with this Republic	77	I	151	
— Mode of proceeding	"	IV	152	
— The Extradition to be reciprocal	"	V	"	

VENUE.			
— As to stating, in Indictments	113	xxiii	339

VERDICTS. [See JURIES.]

VESTRYMEN.				
— How to be elected	86	II		173
— Penalty for refusing to serve	"	V		174
— To swear to qualification	"	VI		"

VESTRYMEN—continued.	No. of Act.	Clause	Page
— How vacancies by, are to be supplied	86	VII	174
— Powers and Duties of, in letting Pews and appropriating the Rents	„	VIII—XIV	175, 7

VEXATIOUS ACTIONS.

— When Justices of the Peace and other Magistrates are protected against	97	III—VI	225, 6
— When the Supreme Court may interfere for protection against	„	VII—IX	226
— When Constables are protected against	„	X, XI	„
— Limitation of time in which Actions may be brought	„	XII	227
— Rules as to proceeding in such cases	„	XIII—VII	227, 8
— As to Costs	„	XVIII	228

VICE-CHANCELLOR.

— Chief Justice appointed to be, with provisions concerning his Court, &c.	134	I—VIII	374, 5
--	-----	--------	--------

VOLUNTEER INFANTRY CORPS.

— Governor may authorize the enrolment of, in the several Police Districts	131	I	367
— To appoint Commanding and other Officers; Non-commissioned Officers being appointed by the Commander	„	II	„
— How Members of the Corps are to be elected and sworn; and to act as Special Constables	„	III, IV	367, 8
— Clothing and Accoutrements to be provided by Government	„	V	368
— Members to keep Arms, &c., in good order, under penalty.	„	VI	„
— Governor to provide Instructors from the Army at the public expense	„	VII	„
— To frame Rules and Regulations for good Government of	„	VIII	„
— Penalty for non-attendance at Drill	„	IX	„
— In case of Invasion or Riots, Government may call out, and employ, in any part of the Island	„	X	369
— Police Magistrates may convict for offences	„	XI	„
— How fines, &c., are to be applied	„	XII	„
— Grant towards purchase of Musical Instruments for the Band of, &c.	156	I—IV	441, 2

WAKES.

— Penalty for attending, at late hours	104	LXV	29
--	-----	-----	----

WAREHOUSED GOODS.

— Provisions respecting	166	XII—XXV	467—9
-----------------------------------	-----	---------	-------

WATER.

— Supply of, for Kingstown	34	XXV	60
— — For Colonial Hospital	54	I	102

WAYWARDENS. [See HIGHWAYS.]**WHIPPING.**

— May be enforced on Males under 18, in addition to any other sentence	73	XVI	147
— Juvenile offenders, under 14, may be sentenced to	104	LXXXVIII	299

WILLS.

— Excepted from Registration Act	2	XIV	5
— To be pleadable, must be proved before the Ordinary, and entered at Registrar's Office	„	XXII	„
— Stealing, destroying, or concealing, a Misdemeanour, punishable with transportation or imprisonment	23	XLII	32
— Dispositions by, in fraud of Special Creditors, void	37	I, &c.	63

WILLS—continued.	No. of Act.	Clause	Page
— All property, real and personal, including Estates <i>pur autre vie</i> , may be disposed of by	83	III	162
— When such Estates are not disposed of by, they become Assets for Creditors in the hands of heirs, executors, or Special Occupants	"	IV	"
— A Minor (under 21) not valid	"	V	"
— Nor that of a married woman, except as before the passing this Act	"	VI	"
— How to be executed; need not be published	"	VII, IX	"
— Not void by reason of incompetency of Witnesses to	"	VIII	"
— Appointments by, how to be executed	"	<i>ib.</i>	"
— What witnesses to, shall be excluded by reason of interest, and who not	"	XI—XIII	"
— How, and in what cases, revoked	"	{ XIV—XVI, and } XVIII, XIX	163
— How alterations are to be authenticated	"	XVII	"
— Construction of, as regards the time of its taking effect	"	XX	"
— Residuary, and other, Devises by, rules respecting	"	XXI—XXIX	163—5
— When Signatures to, and what Attestation of, shall be deemed valid	116	II, III	346

WINE ACTS.

— Penalty for selling Spirituous Liquors after Retail Licence is cancelled	120	I	355
— Proceedings thereon	"	IV	356
— Repeal of certain Clauses in	149	I	413
— Wholesale and Retail Licences under terms of	"	II	"
— Duties payable in respect of, and form of Licence	"	III, IV	414

[See SPIRITUOUS LIQUORS.]

WITNESSES.

— Power to bind, by recognizance for appearance at Sessions Court	23	IV	28, 9
— Summons and Allowances to, in Small Debt Court	89	VI, VII	184
— Allowances to, in Court of Sessions	98	XXI	234
— How to enforce attendance of	"	XXX—III	237, 8
— How sick or aged, may be examined	"	XXXII	"
— Procedure for summoning, enforcing attendance of, and allowances to, by Justices of the Peace	101	XIX—XXIV	251—3
— Provisions respecting, in Civil Causes	168	XXXVIII, IX	434
— How Depositions of aged, infirm, or absent, to be taken	"	XL—XLIII	455, 6

WRECKES.

— Exhibiting False Lights, &c., to endanger	73	XVII	147
— Destroying parts of, or cargo of	"	XVIII	"
— Forcibly preventing escape from	"	XIX	"
— Punishment for possession of goods taken from	104	XXXII	286
— For offering such goods for sale	"	XXXIII	"

WRIT OF ASSISTANCE.

— How to be granted and executed	166	XXX	478
--	-----	-----	-----



